DOCUMENT RESUME

ED 231 070 EA 015 742

AUTHOR	Cover, Marilyn, Ed.; Nightingale, Meg, Ed.
TITLE	Youth Faces the Law: A Juvenile Rights Handbook. Fourth Edition.
INSTITUTION	Metropolitan Youth Commission of Portland, OR.
PUB DATE	82
NOTE	114p.
AVAILABLE FROM	Publications, Metropolitan Youth Commission, 1120 S.W. 5th Avenue, Room 402, Portland, OR 97204 ($1.75 plus $.63 postage and handling).
PUB TYPE	Guides - General (050)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Civil Rights; Contracts; Court Litigation; Illustrations; *Juvenile Courts; Legal Responsibility; Self Supporting Students; *Student Rights; *Youth; Youth Problems
IDENTIFIERS	*Oregon

ABSTRACT

The information in this handbook is intended to help youths learn about their rights and responsibilities in the legal system. The reasoning behind the guide is that the more youths know about the law the better are their chances of avoiding unnecessary problems and the easier it will be to make the law work for them. The handbook is divided into three sections: (1) how the law deals with young people before they reach 18, the age of majority; (2) what happens when youths get in trouble with the law; and (3) the rights of a student in school. Readers are cautioned that many of the laws covered in the book are applicable in Oregon only. Advice as well as information is offered, lightened by amusing illustrations. (MLF)

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A JUVENILE RIGHTS HANDBOOK

YOUTH FACES THE LAW

The fourth edition of this handbook is a publication of the Metropolitan Youth Commission of Portland. It is a thorough revision and update of the previous editions which were printed in 1972, 1974, and 1978.

METROPOLITAN YOUTH COMMISSION
OF PORTLAND, OREGON

1982

A Juvenile Rights Handbook: YOUTH FACES THE LAW

Permission for the continued use of the illustrations by Chris Edmiston and Birk Cox originally used in the 1978 edition has been given by OSPIRG.

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1982-83

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The Metropolitan Youth Commission is pleased to announce the publication of the fourth edition of Youth Faces the Law: A Juvenile Rights Handbook.

The Handbook represents one of the ways in which the Youth Commission is meeting the goal of providing information to young people, as specified in the City's Youth Policy.

The MYC would like to acknowledge the assistance of many individuals and organizations within the juvenile justice system whose help made the Handbook possible. We offer each of them a hearty thank you. At the same time we recognize that no book about the law can be entirely complete. The Youth Commission has made every effort to see that the Handbook is accurate and up to date as it goes to press. For these reasons, the Youth Commission is not responsible for how the material in the Handbook is used.

If you have ideas or suggestions about ways to improve this booklet, we would appreciate hearing from you. It is our intention to revise and update the Handbook periodically.

We hope you find the Handbook helpful.

Sincerely,

Gerald F. Blake

Gerald F. Blake, Jr., Ph.D.
Chairperson

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ABOUT USING THIS BOOK

The law is more than a list of crimes and punishments. It is a system of rules, ideas, and procedures which help keep our society together. It can protect people against mistreatment from their government as well as from one another.

The information in this book can help you learn about your rights and responsibilities in our legal system. The more you know about the law the better your chances of avoiding unnecessary problems and the easier it will be to make the law work for you.

Many of the laws covered in this book are applicable in Oregon only.

If you travel to another state, make an effort to learn the local laws.

The handbook is divided into three sections:

1. how the law deals with young people before they reach 18, the age of majority,
2. what happens when you get in trouble with the law,
3. your rights as a student in school.

This book contains advice as well as information. Of course, each person's situation is a little different. In the end, what you do with the information and advice will depend on your situation, and it will be up to you to decide.

This book is not a substitute for an attorney. Often, the most important thing you can do for yourself is to contact a lawyer as soon as you think you have a problem. Lawyers can give you expert legal advice about what to do in a specific situation. They are trained to represent you and your interests. The appendix offers suggestions on how to decide if you need a lawyer and lists various places you can go to get legal help if you live in Portland and Multnomah County.

LIFE BEFORE MAJORITY

INTRODUCTION

The law treats young people differently than adults. This is true in your everyday life as well as when you get in trouble and become involved with the juvenile court. This section contains information about laws regarding work, family life, sex, medical care, and other aspects of your dealings with the adult world.

BASIC AGE LIMITS

For most legal purposes you become an adult at the age of 18. Until then, you are considered a minor. There are, however, laws for which the age for specific activities is different. Listed below are some basic age limits.

Purchase, use, consumption or possession of liquor	21	
Vote	18	You must register before the election.
Work	18	Without a permit.
	14	With a permit; contact the State Employment Office for applications.
Enter into a Contract	18	Includes buying on credit, buying and selling real or personal property (land, cars, stereos), rental leases, repair contracts.
Drop out of school	18	Without parental consent.
	16	With parental consent and your agreement. See page 63.
Marry	18	Without parental consent.
	17	With parental consent. (Note: you cannot get

		married in Oregon until you are 17.)
Consent (to a sexual act)	18	"Consent" has a special legal definition. See Glossary.
Medical Treatment	15	Without parental consent in most cases.
Abortion	15	Without parental consent.
VD Treatment	(no age limit)	Without parental consent.
Birth Control (Info. and Services)	(no age limit)	Without parental consent.
Drive	16	You must have a license from Motor Vehicles Division.
	14	For a junior license which is available in some limited circumstances.

NOTE: Misrepresentation of age by a minor is illegal.

"It would be great doing TV commercials for you Jones, but our lawyer sees flaws in the contract."

CONTRACTS

A contract is a promise that is legally enforceable. If you or the person you contracted with breaks the promise, then the law provides a remedy. This means that a court could force the person who "breached the contract" to do something so that the innocent person gets what s/he deserves. The most common contracts are purchases--you promise to pay money to someone in exchange for an object.

Contracts are often written and signed, but oral agreements may also be contracts.

Once you turn 18 you are fully responsible for your business matters, finances, debts, and contracts. But because it is easy to make a bad deal, the law protects minors. If you are under 18, you may be able to "avoid" or break some types of contracts.

For instance, if you bought a stereo for $400 when you were 15 and decided later that you didn't want it, you should be able to return it for the purchase price minus the depreciation (loss in value) for the time that you owned it. You don't get to use it for free.

Being able to back out of a contract may seem like an advantage. However, it also has disadvantages. Some people will not do business with you because as a minor you have the power to back out of some deals, even if you are willing to promise that you won't.

Be careful when signing any contract.

Sometimes contracts contain a printed statement that the signer promises to be over 18. You should never lie about your age in a contract. If you do, you will not be able to "avoid" that contract. You also risk being charged with "Misrepresentation of Age by a Minor."

Some contracts are binding on you even though you are under 18. These included purchases of necessities (food, clothing, medical services, etc.), military enlistments, educational loans, agreements to support an illegitimate child, contracts which are part of your business, and a few others.

There are two things you can do to protect yourself from bad deals. First, always understand the agreement. Make sure you read and understand everything before signing your name or saying that you agree. Second, since contract law can get extremely complicated, it is a good idea to see a lawyer before you enter into a major contract (such as buying something that costs more than $700 or that takes more than a year to complete the services or to pay off). He or she can help you understand the small print and work out the details.

"Well Mister, labor laws make a kid do scams like this to make a buck."

WORK

There are special laws for minors who work for money. They are called "Child Labor Laws". The purpose of having them protect young people from being exploited as cheap labor and to protect their health and well-bring.

In Oregon, these laws restrict the types of jobs that juveniles may have, the number of hours they can work, the minimum wage they can be paid, and

other situations in the workplace. The restrictions are fewer as you grow older; a sixteen-year-old can work some jobs that a fourteen-year-old cannot. Not all jobs have to pay at least minimum wage. To find out if your job has to, call the Wage and Hour Division of the State Bureau of Labor. Their state-wide toll free number is 1-800-452-3503. In Portland, call 229-5750.

You must have two things before you can be employed. First, you must have a Social Security card. Anyone old enough to sign their name can get a Social Security card. Simply contact your local office of the Social Security Administration or call the statewide, toll free number 1-800-452-1654, and they will tell you how to apply for a Social Security card. In Portland, call 221-3381, instead.

Second, if you are under 18, you must have a work permit. These may be obtained at the Wage and Hour Division of the State Bureau of Labor. Their statewide, toll free number is 1-800-452-7813, extension 83292. In Portland, call 229-5750, instead. Work permits are usually given only to minors 14 or older. If you are under 14, you can't work while school is in session. You might be able to get a special permit during school vacations, but Child Labor laws won't allow you to work at most jobs.

SMALL CLAIMS COURT

If you have any disagreements about money matters or contracts less than $700, you should consider a suit in small claims court. It works without attorneys and any person, regardless of age, may sue or be sued in the small claims court. If you are under 18, your parent or another adult must be named in the suit with you.

For example, a newspaper delivery person may sue to collect unpaid bills. A tenant may sue a landlord to get back a security deposit. A consumer may sue a store to get back his/her money for some damaged

merchandise. A crime victim may sue to recover damages (money for physical injury or property damage).

If you go to small claims court, you must first pay the filing fee. If the court agrees that you do not have enough money to pay the fee (that you are "indigent") the court will let you file your case anyway, but if you win your case you may have to pay the fee later. Prepare your case carefully ahead of time.

It helps, if you have the time, to visit the small claims court first so that you can see how it works. On the date of your case, show up on time and present your evidence and arguments clearly and briefly. You will not have very much time, so stick to the important facts, and be ready to challenge your opponent's arguments when you are given a chance to speak. There is no appeal (second chance) from small claims court. This is your only chance to win your case.

There is a small claims court in every county in Oregon. To find out more about filing a claim in this court, contact the small claims department in the county courthouse of the county where the person you are suing lives or does business.

FAMILY

In general, the law does not interfere with family matters. It recognizes that your parents are in charge of the family and it expects you to live with them and obey them until you are 18 or become emancipated. See p. 10.

However, there are situations in which the legal system will get involved. Your parents are required to care for and support you. If they fail to give you food, clothing, shelter, education, or medical care, the juvenile court may step in on the grounds that you are a neglected child. You, or any other interested person, can report your situation to the court. If your parents or guardian refuse to support

you, they may be charged with criminal non-support.

Also, while discipline is normally a family concern, your parents have no right to seriously beat and injure you. No one in your family is allowed by law to have any sexual contact with you, or allow anyone else to. If any of this happens to you or someone you know, report it to the police, a schoolteacher, or nurse, the juvenile court, the Children's Services Division (CSD) or your lawyer. If you wish to remain anonymous, you can make a report by telephone without leaving your name.

After a family problem of child abuse, neglect, or abandonment comes to the attention of the juvenile court, there should be investigations and hearings. The court could return you to your parents, place you in the custody of relatives, a foster home, or residential care facility, or put you under the care of CSD. In serious cases of child abuse or neglect, the state may take action against your parent. This might even include trying to terminate (end) the rights as parent. When that occurs, you have a right to an attorney to represent your interests if what you want is different from what your parent or the state wants.

Notice that this involvement of the juvenile court comes about because something has or hasn't happened to you. This is different from what occurs when you do something (commit an offense) and the juvenile court is involved. In that situation, your rights are more nearly like an adult who commits a crime. What happens when you get in trouble is discussed in detail in the section on Laws and Rights.

Divorce presents another touchy situation for young people. The judge must decide who will have custody over you. Your wishes should play an important part in that decision. If you feel that your wishes are not being heard, speak to the judge and ask for an attorney to represent your interests in the matter. The judge must appoint an attorney if you request one. The cost will be provided.

"Emancipation gave me late night TV, junk food, dirty dishes, and other adult rights."

EMANCIPATION

Some minors may be treated like adults before they reach 18. Most often, young people become "emancipated" as a result of being kicked out of home by their parents, being deserted by their parents, or moving out of the house by mutual agreement with their parents. These young people then assume the life of an adult and are "in fact" (de facto) emancipated although they have not gone through the court process for emancipation. De facto emancipation is legal,

but does not necessarily include all the rights and liabilities of a court-ordered emancipation. If you and your parent agree you should be on your own, it might help you avoid problems with landlords, police and employers if you have a letter from your parent indicating agreement to your living as an emancipated minor.

If you are 16 or 17, you may apply for legal emancipation from the juvenile court. Emancipation is a legal right of the minor; not the right of the parents. Your parent cannot force you to be emancipated. Once you are emancipated you are no longer subject to your parent's control and will be treated as an adult in most ways. The procedure for emancipation may be different from county to county. It begins with the filing of an application to the court. Multnomah County charges $50 to file an application. Other counties might not charge as much. A preliminary hearing will be held within 10 days. The second hearing must be held within 60 days of your filing.

The judge will determine whether emancipation is in your best interests. The following factors will be considered:

Whether your parent or legal guardian consents;
Whether you have lived (are living) away from home and can financially support yourself (proof could include rent receipts and paychecks); and
Whether you are mature and knowledgeable enough to manage your own affairs.

If the judge declares you emancipated, you will legally be an adult, with a few exceptions. You will be treated as an adult if you commit a crime. The juvenile court will not have control over you any more. Curfew violation, running away, and other status offenses will no longer apply to you. Your parent will no longer have the right to control you nor the duty to support you. You will have the ability to make binding contracts, sue and be sued,

and be an adult for other business purposes. You may have your emancipated status noted on your driver's license or state-issued ID card.

Emancipation will not change the drinking age (21), the marriage age (17 with parental consent, 18 without), the Child Labor Laws (work permits until 18), and voting (18).

Emancipation is not for everyone. It carries extra responsibilities as well as rights. It is mainly helpful to minors who are living on their own by letting them be fully responsible. You should be sure emancipation is what you want before you pay the filing fee to the court. For more information, call an attorney or the County Juvenile Department. Be sure to talk it over with your parent or legal guardian too. Their consent and support will be a big help in convincing the judge that you are ready for emancipation.

There are other circumstances in which you have the rights or responsibilities of an adult before you are 18:

Marriage -- To get married in Oregon without parental consent you must be 18. (With parental consent you must be 17.) Parental consent for marriage can come from either one of your natural or adoptive parents - even if they do not have legal custody of you. You can get consent forms from the marriage license office in your county. If you are under 17, you cannot get married in Oregon, but you may be able to get married in another state and that marriage will be valid in Oregon. When you are married, you will be treated as an adult except that you're still under the jurisdiction of the juvenile court for delinquent (criminal) acts and voting and drinking ages are still in force.

Parenting -- You will be treated as an adult specifically for purposes of caring for your child. This is true for both the mother and the father regardless

of whether they are married to each other.

Remand -- Referral to adult court for trial of a crime is possible if you are 16 or older. (see p. 36).

GENERAL AND SEX-RELATED MEDICAL TREATMENT

Getting Treatment

Although sex is unlawful before you are 18 (see p. the law recognizes that you may be sexually active and provides a way for you to get the medical services you need to protect yourself and others.

You can get treatment for venereal disease (VD) no matter how old you are. You do not have to have parental consent, but without it your parent does not have to pay the bill.

You can also get birth control information and services no matter how old you are. You do not need parental consent; but it is not clear under the law whether your parent has to pay the bill if s/he hasn't consented. The doctor is not required to tell your parent about your visit, but the doctor is allowed to tell, even if you don't agree to it. However, many doctors and family planning clinics will not notify your parent without your consent, and you can find this out ahead of time by calling up and asking about their policy. You don't have to give your name until you are sure they will keep it confidential.

All other medical, dental, and surgical treatment such as pre-natal care, termination of pregnancy (abortions) drug and alcohol treatment, psychotherapy requires that you either have your parent's consent or are at least 15. The same issue about parental notification arises here as with birth control, so check ahead of time if this concerns you. Note that the law requires that treatment for drug or alcohol addiction must be reported to parents, even though they do not have to consent to it.

"Please Doctor, keep this confidential. I want to break it to my folks gradually."

If you want treatment that requires parental consent, but your parent refuses to consent, you, your doctor or any other adult who agrees with you, can petition the court to order that you be allowed to receive the treatment. The court will decide who pays for the treatment, if treatment is ordered. An example is if your parent has abused you and refuses you treatment for resulting injuries or conditions.

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Resisting Treatment

If your parent or guardian wants you to have some type of treatment that you do not want, you or any adult who agrees with you (such as another doctor) can petition the court to stop or prevent the treatment. You will probably need to convince the court that either you don't need the treatment, the treatment is more dangerous to you than it is helpful, or the treatment violates your constitutional rights (such as your religious beliefs).

Paying for Treatment

If you are in need of treatment for a medical problem and you do not personally have enough money to pay for it, you have several options. If your parents can afford the treatment, you should ask them to pay for it, since you cannot qualify for public assistance (free treatment) if your parents can afford to pay. Some doctors and clinics have sliding scale fees where what you have to pay depends on your own income, not your parents' income. Your other option is to borrow the money from a relative or friend.

If you and your parents cannot afford hospital treatment you may qualify for free treatment. There is a law called the Hill-Burton Act which requires certain hospitals to provide free treatment for poor people. Contact the business office of the hospital to find out if they are a Hill-Burton Act hospital. If they are, they will have a form for you to complete.

The situation with payment for abortions is different. The federal government has stopped paying for abortions for poor women unless the pregnancy is a result of rape, incest, or there is grave physical danger to the mother if the abortion is not performed.

Presently (as of April 1982) in Oregon, a woman is entitled to two state-funded abortions if she is eligible for welfare at the time of the abortion, and the child was conceived while she was 17 or

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younger. She does not have to have already been on welfare. If she is 18 or older at the time of conception, she is only allowed one state-funded abortion.

If you do not qualify for a state-funded abortion, you must try to raise the money on your own, either through your parents, relatives, friends, or employment. Currently, the lowest priced, high quality clinic abortion costs approximately $180 in the Portland area. Contact your local county clinic for additional information.

Legally, our decision whether or not to have an abortion is yours alone. Neither your parent nor the father of your child has the right to force you to have an abortion or prevent you from having one.

PATERNITY

Paternity means legal fatherhood. If the parents are married to each other when the child is born, the husband is presumed to be the father.

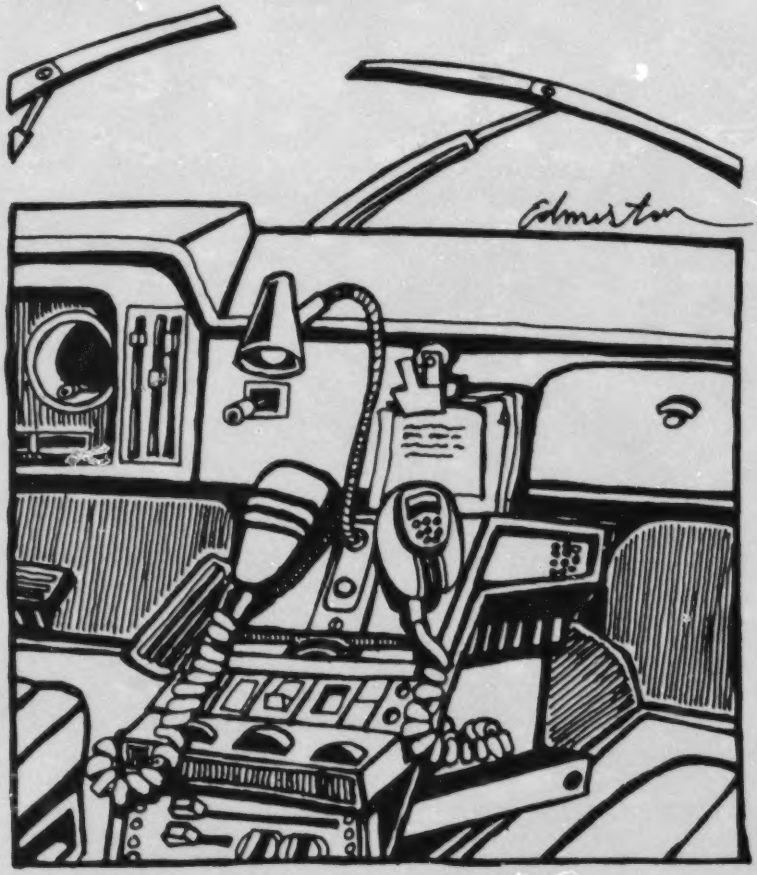
If the parents are not married and the parents want to legally record who the father is, paternity can be established voluntarily by contacting the Bureau of Vital Statistics and requesting a Declaration of Paternity Form. The Bureau of Statistics statewide toll free number is 1-800-452-7813. In Portland, call 229-5895.

Sometimes the father does not want to claim the child or the mother does not want to acknowledge the father. In either case, the father or mother may go to court and ask that they and the child be required to have blood tests taken. These blood tests can only prove that the man either is not the father or could be the father; they cannot prove for sure that he is the father. If the blood test shows that the man could be the father, then additional evidence will have to be presented in court in order to establish paternity. Additional evidence frequently includes information about the relationships between the mother and alleged father or other men during the time when the child

could have been conceived.

Once fatherhood is established, an unmarried father has the same rights and responsibilities as a married father. He may seek custody of the child or visitation with the child. He may be required to contribute to the financial support of his child even if he is not married to the mother. The legal responsibility of all men for their children is one good reason for men to share the responsibilities of birth control with women.

LAWS AND RIGHTS



BASIC RIGHTS

Every state has a separate court system for juveniles. In Oregon, the juvenile court is for people younger than 18.

The idea of juvenile court is to be more flexible and informal, while being less harsh than adult criminal courts. The court is directed by law to decide what should happen to you primarily on the basis of what is in your best interests. The goal is to treat you, not to punish you. Of course, some treatments are as unpleasant as punishments.

In the past, a young person in juvenile court did not have the same rights as an adult in criminal court. This has changed in the last 15 years. In 1967, in the *Gault* case, for the first time the U.S. Supreme Court declared that young people have constitutional rights which protect them from unfair treatment by the police and the courts. These rights are for your protection and cannot be taken away against your wishes. As with adults, you cannot lawfully be arrested by the police unless they reasonably believe you've broken the law. See page 25.

Whenever you are accused of delinquency (crimes) you have a right to:

1. Have an attorney of your choice or to have one appointed if you can't afford one;
2. Remain silent after giving your name, age, and address. You cannot be forced to say anything which can be used against you in court;
3. Be told specifically what the charges against you are;
4. Be present at the court hearing;
5. Cross-examine (question) the witnesses who testify against you;
6. Have a written decision, supported by evidence, at the hearing;

7. Be told of the right to appeal. Again, if you can't afford a lawyer for the appeal, one will be appointed for you;
8. Have the state prove every element of the charge against you "beyond a reasonable doubt";
9. Have a foreign language interpreter if you do not speak English;
10. Have a sign language interpreter if you have a serious speech or hearing problem.

Juveniles do not have all the same rights as adults charged with crimes. For example, they have no right to a jury trial and no right to bail. You will have a hearing that is open to the public.

Remember, all of the above rights apply only when you are accused of an act that would be considered a crime if you were an adult. The juvenile court can, in certain situations, have power over you even if you haven't committed a "crime". This is all explained in the next section on Jurisdiction.

JURISDICTION

The juvenile court has jurisdiction (the power to decide what will happen to you) in any case involving a person under 18 years of age:

1. Who has broken a law;
2. Whose parent or guardian can't control him/her;
3. Whose well-being is in danger or who is a danger to the well-being of others;
4. Who has run away from home;
5. Who is dependent for care and support on a child-care agency that needs the service of the court in planning for him/her;
6. Whose parents have neglected, abused, abandoned, or otherwise failed to care for him/her;
7. Who has applied for emancipation.

Only the first reason is similar to what applies to adults who break the law. When the court takes jurisdiction because you have broken the law, all your basic rights are in effect. These include the rights listed in the previous section on basic rights. If you are charged with a serious offense your case may be transferred to adult criminal court. This transfer is called a remand. The details of this process are explained on page 36.

The second, third, and fourth reasons for juvenile court jurisdiction are based on something you've done that wouldn't be against the law if you were an adult; you are said to be a status offender. There is a section on status offenses on page

The fifth and sixth reasons for jurisdiction are not based on what you've done, but rather on how someone else is taking care of you. When you are abused or neglected the court may step in and try to solve that problem. See FAMILY section on page 8.

The seventh reason is based on your asking the court to treat you as an adult before you turn 18. See page 10.

When jurisdiction is not based on the first reason, but is based on the commission of an act which would not be a crime if you were an adult, many courts do not recognize the same rights. You might not be given an attorney. This varies from county to county. If you are charged with a status offense, you may request an attorney and the court should appoint one for you.

Juvenile courts, because their goal is to treat - not punish - do not use words like "arrest", "guilty", or "convicted of a crime". Like the juvenile court, this book says "taken into custody" instead of "arrested" and "found within the jurisdiction of the court" instead of "guilty". There are, however, some judges who still use "guilty", "convicted", and other terms from adult criminal law.

Regardless of what a particular judge may call it, you can honestly say that you have not been arrested or found guilty of any crime (unless you've been remanded to adult court). This may be important for a job application or when an employer asks about your past.

PROCEDURE

There are a number of steps in the juvenile court process, and several things can happen at any stage. Also, the procedure is different from county to county and state to state, so it is difficult to make any definite statements about what will happen to you at the juvenile court. The cautious thing to do is to

contact an attorney or ask the court to appoint one for you as soon as you have any contact with the juvenile court and you have been accused of breaking the law.

COMPLAINT OR REFERRAL

The first step in juvenile court proceedings may be taken by nearly anyone simply by reporting an incident or condition to court officials. It could be your parents, relatives, neighbors or teachers who complain. However, the majority of cases begin with a referral by the police after they have taken you into custody.

What happens during your contact with the police can be extremely important to the outcome of your case. It is especially important to know your rights and keep your head.

Oregon provides that taking a juvenile into custody is not to be called an arrest. The main reason for this is that juvenile proceedings are not considered to be "criminal". However, temporary custody is like an arrest in terms of your rights, so we use the term "arrest" here because it's more convenient, and because most police officers use it.

A police officer may stop and question anyone s/he reasonably suspects has committed a crime. An arrest takes place whenever a police officer (or some other person) takes you into his/her custody, and will not let you leave after a few routine questions. Usually, you will be told that you are being arrested or taken into custody. If you're not sure, ask.

What happens at the time of arrest can be very important, so be alert, stay calm, and try to remember everything that happens. If you get the chance, write down everything about the arrest that you can remember as soon as you can.

If you run away from the police, fight, or threaten to fight the police officer, you might be charged with the crime of escape or resisting arrest, or attempting to elude. The police officer also may use force to control you, but is not allowed to use more force than is necessary.

You are not required to give your name, age, and address but it is wise to do so. You may also want to give your parents' phone number so that they may be contacted as soon as possible. If you lie, you are likely to reinforce the officer's (and later the court's) suspicions of your guilt. Remember that you cannot be arrested without a reason, so you have the right to know the specific charges against you.

When you are arrested, the police officer is supposed to inform you of your rights by giving you a *Miranda* warning (named after the U.S. Supreme Court case which established this requirement). The warning needs to be given only if the officer is going to ask you questions and you're in custody. If you start to volunteer information the police officer does not have to stop you from talking to give you the warning; s/he may listen to and record your statements.

A *Miranda* warning should include the following elements:

1. You have the right to remain silent.
2. Anything you say can and will be used as evidence against you.
3. You have the right to talk to a lawyer and to have him/her present while you are being questioned.
4. If you cannot afford to pay for a lawyer, one will be appointed to represent you before questioning.
5. You can make use of these rights at any time. Even if you have decided to answer questions, you may change your mind and stop at any time.

Always remember that you do not have to answer any questions after giving your name, age, and address.

Even if you think you haven't done anything wrong, it is often a good idea to talk with a lawyer before saying anything. Just say to the police, "I want to talk to a lawyer."

Occasionally, there are times when a simple statement of the truth is all that's needed to get the officer to release you. If you are sure you haven't done anything wrong, sticking to your rights can't hurt you, but it may cause some delay and inconvenience. You have to use your judgment in these situations. If you're not sure, it's probably best to keep quiet.

Don't lie or talk about what's happening; just keep silent until you talk to a lawyer.

Once you have agreed to answer questions, you can change your mind at any time. You always have the right to remain silent and there is no legal penalty for exercising that right.

Even if you think you are guilty and you want to confess because you feel guilty, it is often best to talk to a lawyer first.

SEARCHES

According to the Fourth Amendment of the United States Constitution, police are required to have a warrant to search your person, your places, and your effects. However, because the courts have determined that there are many exceptions to this rule, in most situations the police do not need a warrant to search you, your car, or your home. If the police search you illegally, the evidence they get from the search cannot be used against you. However, there is no way to be sure that a search is illegal until the case is argued in court.

If a police officer has a reasonable suspicion that you have committed a crime, have attempted to commit a crime, or are about to commit one, s/he may stop you for questioning. S/He has the right to pat down your clothing (frisk you) if s/he thinks you might be carrying a weapon. This is called a stop and frisk. Police officers may frisk you in situations where they do not have enough reasons to arrest you formally.

When a police officer asks to search you (or tells you s/he is going to), you should do the following things:

1. Don't resist the police.
2. Ask to see the search warrant.
3. Do not consent to the search. You lose your

right to object if you give your permission to a search which would otherwise be illegal. For instance, if the police officer had no good reason to suspect you of a crime, asks to search you, and you consent, the officer can legally search you. Without your consent, however, the officer could not search you at all. Tell the officer that you will not resist the search, but you do not consent to it. Use the words, "I object to this search."

4. Remember everything that happens so that you can tell your lawyer.

5. Try to have someone witness the search.

"I know it's impolite to crash a party — but I'd like to search your van."

WAIVER OF RIGHTS

The police may suggest that they will go easy on you if you give up (waive) your rights to remain silent, to have an attorney present while being questioned, or to object to a search. While the offer may seem tempting, remember that the police officer may have no control over what happens to you once you are reported to the juvenile court.

You will have to use your judgment. Remember that your rights are your constitutional guarantees to fair treatment. No one can make you give them up against your wishes, and there is no reason why you should have to bargain over them or feel guilty about using them.

INFORMAL DISPOSITION

Many cases are treated informally by the police, especially if the offense is not a serious one. Police officers who stop you have the power to decide if a case is serious enough to report you to the juvenile court. The officer may let you off with a warning, a lecture, a phone call to your parents, or s/he may bring you to a diversion program.

Diversion programs are usually operated by a local youth service center. The center can provide counseling for you and your family, employment advice, contact with other people in situations like yours, and a place to go when you want to just sit and think. If the police refer you to a diversion program, you are expected to participate in the program. The resources that they can offer you are often extremely helpful and you can benefit by taking advantage of them. You cannot be forced to participate in this type of program.

An informal disposition is usually to your advantage. It involves less time and trouble, keeps your record clean, and does not place formal restrictions on you. It largely depends on your attitudes, behavior, and

responses.

When a police offer stops you for questioning, try to understand his/her position. S/He has stopped you because s/he has reason to believe you've done something wrong. If your answers, tone of voice, and general attitude are hostile or suggest that you have something to hide, the officer is likely to conclude that you need the court's attention. If you are polite and respectful, there's a much better chance you will be dealt with informally.

This advice holds true whenever you are dealing with adults who have authority over you, whether it is a police officer, teacher, court counselor, or judge. When you get in trouble, most adults figure that you need help. Someone who is trying to help you will appreciate your trying to understand him/her also. If you can do that, it will be easier to get them to understand you.

INTAKE

After the complaint has been received, that court intake process begins. If you are accused of a felony, the District Attorney will decide what charge will be filed against you. At the same time, usually a court counselor will make a preliminary investigation to decide how the case should be handled. The counselor will probably ask to meet with you and your parents or guardian to see if your case can be settled without formal court action. If you and your parents convince the counselor that your problem can be handled as a family matter, your case may be dismissed at that point. Obviously, it helps to have your parents' cooperation at the interview. The intake process can result in the following:

1. Dismissal of the case.
2. Informal agreements with you and your parents or guardian. This is a likely choice if the problem is not serious, you haven't been in trouble before,

there is no need for adjudication (trial), and it looks like your parents can keep you out of further trouble.

3. Filing of a petition to start formal court proceedings.

If you deny the charges against you, you should be careful about what you say to the intake counselor. Although the counselors are there to help you, as well as to help the court, the statements you make in their presence can be, and often are, used against you if there's a hearing later.

Rules about this vary from county to county. You should ask the intake counselor if your conversation is confidential. If the counselor says that it is, ask him/her to put that in writing for you. If s/he says that it isn't, anything you say may be used against you in court.

Even if the conversation is confidential, the counselor may put anything you tell him/her in a report that will become part of your social file. Judges usually have access to this file.

PRE-HEARING DETENTION

Who Can Be Detained - When the police first take you into custody, they must decide whether to release you to your parents or guardians, or to take you to a shelter care or detention facility where you will be held until some further decision is made about what to do with you.

You can be held in detention for 24 hours without a court order. The court can order that you be held for an additional 24 hours without talking to you. These do not count weekends and holidays. If the court wants to keep you longer, it has to hold a hearing. This means that you and your attorney get to meet with the judge and explain why you should be released. You may not be held in detention unless the judge or referee finds three things at your hearing:

(1) A petition has been filed saying you have committed a crime or have run away, or the court makes a written finding that your behavior immediately endangers your physical welfare or someone else's physical welfare;

(2) there is probable cause to believe that you will be found to have committed the crime or to have run away; and

(3) no means less restrictive of your liberty, such as staying at home or being placed in shelter care or temporary foster care, gives

reasonable assurance that you will show up for your formal hearing on the petition. However, you may be held in detention even if a less restrictive alternative exists if there is probable cause to believe that you seriously injured another person, used forcible compulsion (see Glossary), used or threatened immediate use of a deadly or dangerous weapon, or committed arson in the first degree.

If you are charged with having run away, or the court makes a written finding that your behavior immediately endangers your physical welfare or someone else's physical welfare, you may not be held in detention for more than 72 hours (not counting weekends and court holidays).

You do not have the right to be freed on bail before trial.

Place of Detention - If the county in which you are taken into custody does not have a juvenile detention facility, and you are 14 or older, you may be held in an adult jail. You may also be held in an adult jail even if a juvenile detention facility is available, if you are at least 16 and your conduct or condition is such as to endanger your own safety or welfare or that of others in the detention facility and the court orders it. In either case, however, you must be kept in a separate room or unit screened from the sight and sound of adults being held in the jail, which cannot be an isolation unit. You may also be held in an adult jail if you have been remanded to adult court, in which case you do not have the right to be kept separate from adults.

Conditions of Detention - The primary reason why the law is very specific about what must and must not be done while you are in detention is that it is such an overwhelming experience that unless carefully regulated the conditions may cause serious psychological or physical harm. In addition to having to meet all

standards for adult jails, juvenile detention facilities must provide:

(1) proper inspection and supervision of juveniles;

(2) adequate visitation with attorneys;

(3) unrestricted mail, unless otherwise ordered by the court, except for inspection of incoming mail and packages for contraband;

(4) education, counseling and exercise if you are held more than five judicial days;

(5) counseling if you are in detention pending placement;

(6) the free exercise of religion, unless it would create security problems;

(7) written reports and notification of your attorney and parent or guardian if physical force, restraint, isolation, roomlock or an internal body search (search of your anus or vagina) has been used;

(8) have written policies for all of the above; and

(9) for juveniles detained in adult jails, in-person contact by juvenile department staff within 24 hours of admission and on a daily basis after that.

Juvenile detention facilities are not allowed to:

(1) use physical force or isolation except to prevent escape, physical injury, or property destruction, and then only as

necessary;

(2) use restraints except to prevent physical injury or escape, and for no more than six hours;

(3) use isolation for longer than six hours;

(4) use roomlock unless a rule has been violated, a crime has been committed or to prevent escape, physical injury, or property destruction, and not more than 12 hours without a hearing;

(5) examine your anus or vagina unless there is probable cause that contraband will be found there, and then only by a doctor or nurse;

(6) administer medication without the informed consent of the juvenile, except under extreme emergencies;

(7) deny any privileges for more than one day without a hearing; or

(8) detain juveniles who are emotionally disturbed, mentally retarded or physically handicapped where other juveniles would not have been detained.

If you are being held in a facility which violates any of these requirements, the court is to release you unless it finds that the violation is not likely to reoccur. If you think that this is the case, you should notify your attorney, counselor, or the judge.

PETITION

The filing of a petition is the beginning of formal legal action by the court. It contains the facts which, if true, put you within the court's jurisdiction. It means that there will probably not be

an informal settlement before your hearing. (See p 29) If a petition is filed, the court may order that you be taken into protective custody and placed in shelter care or detention if that has not already been done.

REMAND: TRANSFER TO ADULT COURT

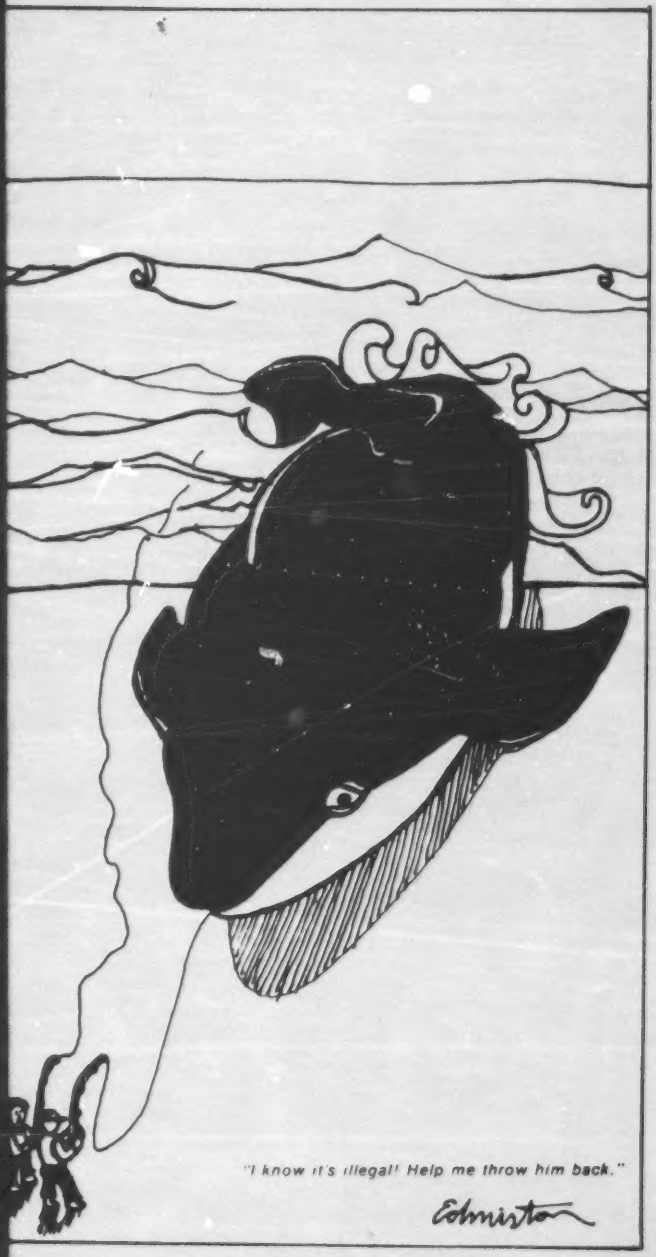
There are two types of remand; one to municipal court (usually called traffic court), the other to criminal court.

The first type of remand is for violations of motor vehicles or boating and game laws. If you are 16 or older, you will be transferred to traffic court unless the traffic offense is a misdemeanor. In many counties the transfer is routine, so that all traffic cases are tried in traffic court. However, the juvenile court still has the power to recall these cases, and you or your parents may request that the juvenile court kee jurisdiction over the traffic offense.

You may also be remanded to adult (criminal) court if:

1. You are 16 or older, and
2. You are charged with committing a criminal offense or violating a city law, and
3. Keeping you in the juvenile court will not serve your best interests, and
4. Juvenile court feels there is nothing they can do to help because the court does not believe that you are willing and able to benefit from the facilities they can offer.

The court must hold a hearing before you are remanded to criminal court. Your previous record, your attitude, and the facilities available in the juvenile system will be factors in the remand hearing. If you are 16 or older, and have committed a criminal offense, you cannot count on the protection of the juvenile court system.


"I know it's illegal! Help me throw him back."
Edmiston

PRE-TRIAL CONFERENCE

In some counties, a pre-trial conference is scheduled before a contested hearing is set. This is a mandatory court appearance where you, your parents, court counselor, attorney and the district attorney sit down together to discuss the charges. If no lawyer represents you, you may request that an attorney be appointed at this time or later in the proceedings. If you don't show up for this conference, an arrest warrant may be issued against you. In the pre-trial conference, you have the right to remain silent. If no agreement on the charges can be reached, then the matter is scheduled for formal adjudication.

ADJUDICATION

Unless you have been remanded to adult court, you will have an adjudication usually within 60 days after the filing of a petition. The adjudication is a hearing similar to a trial. Its purpose is to decide whether or not the facts stated in the petition are true. The hearing is open to the public. You do not have a right to a jury trial.

Remember, in court, you have a right to:

1. Have an attorney of your choice or to have one appointed if you can't afford one;

2. Remain silent or testify in your own behalf. You will be testifying under oath and anything you say can be used against you;

3. Be told specifically what the charges against you are;

4. Be present at the court hearing;

5. Call your own witnesses who will testify under oath;

6. Cross-examine (question) the witnesses who testify under oath against you;

7. Have a written decision, supported by evidence at the hearing;

8. Be told of the right to appeal. Again, if you can't afford a lawyer for the appeal, one will be appointed for you;

9. Have the state prove every element of the charge against you "beyond a reasonable doubt". (See Glossary)

Your attorney should represent you, not represent your parents, the court, or anyone else. Your attorney should advise you on what the law is, explain your legal situation to you so that you understand it clearly, make a recommendation to you as to what you should do in your present legal situation, and finally find out from you what you actually want to do. Then your attorney should communicate your desires to the court. If your attorney is not doing these things, you can tell the court and ask the court to appoint another attorney for you.

DISPOSITION

The decision about what happens to you, if the allegations of the petition are found to be true, is made at a dispositional hearing. This may follow directly after the adjudication or may come at a later date. Disposition is similar to sentencing in adult court; however, the goal is not to punish you but to decide on the best way to treat you.

To make a decision, the judge will get reports from the court counselor, examine your past record, listen to witnesses that you ask to testify, consider your family situation, your school performance, and a variety of other factors.

"As your lawyer, I suggest we work a bit more closely."

The disposition hearing is extremely important because the judge has a wide range of options. Often the facts of your case will not be in dispute, as when you admit the charges or the state proves them very easily. You can help to influence what disposition the court will order. It is important for you, your attorney, and your parents to participate in this decision.

PROBATION

This is the most common disposition. Usually probation will include restrictions or conditions which you are required to follow. You may be required to meet with the counselor at regular times, to give up certain activities, to stop associating with certain people, to do community service work, or to pay for any loss or damage you caused to someone else's property (restitution).

POST-TRIAL DETENTION

There are two situations in which you may be held in detention after your formal court hearing on the petition:

(1) If you were found to have committed a crime, or if you have admitted to having run away or your behavior immediately endangers your physical welfare or that of another, you may be held in detention pending placement in another disposition, such as foster care; (however, unless you have been found to have committed a crime, you cannot be held for longer than 72 hours);

(2) You may be placed in a juvenile detention facility for up to eight days if you are at least 12, if you have been found to have committed a crime, or if you were put on probation for having committed a crime before and now you have been found to have violated a condition of that probation.

The same conditions and standards as described in the section on pre-trial hearings are in effect for detention after your hearing.

CHANGES IN LIVING SITUATION

The court may also direct that you be placed in the home of a relative or friend, in a foster home, or in a child care or youth care center. You may also be placed in the custody of the Children's Services Division (CSD), a state agency, which will then be in charge of finding an appropriate place for you. You may be placed in the custody of CSD and remain at home under their supervision. Even though CSD has custody over you, a judge can review and change their decision if you or someone else brings the situation to the attention of the court. If you are having problems with CSD, consult your attorney

SECURE CUSTODY

You may be placed in a secure custody training school, MacLaren or Hillcrest, only if you are over 12 years old and under 18, and have violated a serious law. This usually happens only if you have committed a serious offense, or you have a history of trouble and other dispositions have not worked.

OTHER CHOICES

The court has the power to direct that you be examined or treated by a medical doctor or psychologist. It may also take any other action which is in your best interests and is "consistent with recognized juvenile practice". This might include emancipation from your parents' control, orders or suggestions to your parents, a suspended sentence related to your good behavior or many other actions. Since the judge has so many choices, the dispositional hearing is very important.

DURATION

Usually probation and time spent at a state training school ends at your 18th birthday; however, any disposition may continue for as long as the court thinks it is necessary up to the time you turn 21. If you were charged with breaking an adult criminal law, your disposition cannot be longer than the maximum adult sentence for that crime, although you may be put on probation for up to five years, no matter what the crime. If the state wants tc hold you longer than that maximum, it would have to

charge you with and prove a status offense, Then it would be able to hold you until you are 21. These alternatives are discussed in more detail in the section on status offenses.

The court may find, as part of the disposition, that you need further protection and supervision. You may be made a ward of the court. This means that you are subject to the court's supervision and must follow its directions. The court can act like a parent, or may appoint a legal guardian. In most cases, the wardship of the court continues until you reach your 21st birthday, you are legally adopted, or the court decides to end it.

STRATEGY

You may find that the judge is more willing to place you on probation, instead of some harsher disposition, if you can show that you are taking steps to reform yourself. You might join a supervised recreation program, attend school regularly, find a part-time job, or do something else that convinces the court that you will make good use of your time.

You should find out what the court counselor is planning to recommend to the judge. If you don't think that his/her plan is a good one, work out another one with your attorney. Talk about it with your parents and the court counselor. Bring witnesses to support your plan. If you are not prepared with a good plan to present to the judge, s/he will probably approve the counselor's suggestions.

LAWS AND OFFENSES

As previously explained, minors can come under the jurisdiction of the court for a number of reasons. Most are brought to court for criminal behavior.

The following pages list and define some criminal laws you should know. Also included are non-criminal "status offenses". The chart on page 98 shows how adult crimes are classified and their maximum punishments. These lists are not complete; there are many other crimes that are not mentioned here.

You can find a complete set of all the laws of Oregon, which includes the criminal laws, in any public library. The set is called Oregon Revised Statutes (ORS). It has a separate book that is an index, so look there first to find the page of the law you want to read.

CRIMES IN PREPARATION

ATTEMPT--Trying to commit a crime is itself a crime, even if you don't succeed. You need only to do something intentionally which is a substantial step toward commission of a crime to be charged with attempt. An attempt is slightly less serious than the crime attempted. For example, if you place open cans of gasoline close to a building intending to start a fire, and do nothing further, you have done enough to be convicted of attempted arson. The key element in the crime of attempt is intent.

AIDING AND ABETTING--Intentionally helping or encouraging another person in planning or committing a crime. For example, if you serve as a lookout for a burglar, you can be convicted of burglary.

SOLICITATION--Intentionally asking, encouraging, or commanding another person to commit a serious crime. For example, it is solicitation if you tell someone to assault another person.

CONSPIRACY--Agreeing with another person or persons to commit a serious crime. If you do so, you can be charged with criminal conspiracy.

As with attempt, the crimes of solicitation and con-

"It's extortion — OK, you get a fudgecicle — Dig me out quick!"

Ok 52

spiracy do not require that the intended crime actually be committed. For example, if several people agree to rob a bank, plan the robbery, and then get arrested before they rob the bank, they would all be guilty of conspiracy.

CRIMES AGAINST PEOPLE

ASSAULT--Intentionally, knowingly or recklessly injuring another person. There are degrees of this crime varying with the seriousness of the injury and the type of attack.

INTIMIDATION--Abusing or annoying another person because of his or her race, color, religion or national origin is against the law.

HARASSMENT--Intentionally annoying or alarming somebody in person, on the phone, or through the mail.

EXTORTION, BLACKMAIL, COERCION--Forcing another to act against his/her will by threats or the use of violence constitutes these crimes.

RESISTING ARREST--Using physical force to avoid arrest by a law officer whether or not the arrest itself is legal.

ROBBERY--Stealing from a person by using physical force or threats of force. It is more serious when a weapon is involved or when you try to injure someone.

CRIMINAL HOMICIDE--Killing someone without justification. The most serious is an intentional killing--murder. Lower degrees include reckless or negligent killings such as those resulting from an accident by a careless driver.

SEXUAL OFFENSES

The law does not always regard sex as a private matter. The policy behind this law is to prevent people from being sexually exploited. Sexual activity is illegal when:

1. Someone does something to you sexually without your consent.

2. You do something sexually to someone who does not consent.

3. You and your sexual partner both consent, but the law declares that you are unable to consent. People are considered unable to consent to a sexual act if they:

   - are under 18; or

   - have a mental disease or defect which prevents them from judging their actions; or

   - are mentally incompetent; or

   - are physically helpless.

Following are descriptions of some sexual activities which are crimes. When someone does something to you sexually without your consent or forces you to do some sexual act you do not want to do, it is a crime even if it is not described here. For help, talk to an adult you trust or a lawyer without delay.

Either males or females can be charged with any sexual offense except rape. Only males can be charged with the crime of rape.

SEXUAL ABUSE--Involes what the law calls "sexual contact", touching the sexual or other intimate parts of a person or making another person touch your sexual or intimate parts, for the purpose of

arousing either person.

Second degree sexual abuse occurs when one person does not consent or is unable by law to consent (see above).

First degree sexual abuse occurs when the victim is under 12 or is subjected to forcible compulsion.

RAPE--Is a crime which males commit when they have sexual intercourse with females under these circumstances:

Third Degree Rape occurs when a male has sexual intercourse with a female who is under 16 years old.

Second Degree Rape occurs when the female is under 14 or is legally unable to consent.

First Degree Rape is the most serious form of this crime. It occurs when a man has intercourse with a woman who:

- did not consent and is subjected to forcible compulsion; or
- is under 12; or
- is under 16 and is the man's sister, his half-sister, his daughter, or his wife's daughter.

The laws on Statutory Rape, where the crime is based solely on the age of the victim, exist to protect younger people from being taken advantage of by older people. For this reason, if there was no force or violence, a man cannot be convicted of statutory rape if the woman is over 12 and he is less than three years older than she.

As a practical matter, the district attorney in most counties will not prosecute a statutory rape case unless the female is willing to testify against

the male in court. This is true even if the victim's parents are complaining. The district attorney may, however, decide to charge the offender with Contributing to the Sexual Delinquency of a Minor.

CONTRIBUTING TO THE SEXUAL DELINQUENCY OF A MINOR--This is a less serious crime than statutory rape. It is committed by any person, male or female, 18 or older, who has sexual intercourse with someone under 18.

SEXUAL MISCONDUCT--his is the least serious of the sexual crimes. It occurs when a person of any age engages in sexual intercourse with someone who is under 18 and is not married.

PROSTITUTION--This is the crime of offering, agreeing, or engaging in sexual conduct for a fee.
See page

PUBLIC INDECENCY--It is a crime to do the following things in a public place, or in view of a public place:

- To engage in sexual intercourse or "deviant" sexual acts, or

- To expose your genitals with the intent to sexually arouse yourself or others.

Although sexual offenses based on age are only rarely enforced, they are still on the books. You should be aware that you could get in trouble if someone decides to complain about your sexual activity to the court.

CRIMES AGAINST PROPERTY

BURGLARY--Burglary is unlawfully (without permission) entering or remaining in a building with the intent to commit a crime. It is a burglary even if the intended crime is never committed! It is more

"Your son's wallet? He evidently left it at the Clark's last night — The Clarks were on vacation..."

serious if it's in someone's home or if burglar's tools or weapons are used.

ARSON--Arson is starting a fire or causing an explosion which damages property. It is more serious when people are also endangered.

CRIMINAL MISCHIEF ("vandalism")--Tampering with or damaging someone else's property.

TRESPASS-Trespass means unlawfully entering or remaining on the property of another. It is more serious if it's in someone's home.

THEFT--Theft is depriving another person of their property. This includes finding and keeping something which you know belongs to someone else, as well as actually stealing it. It becomes more serious if you sell property you know is stolen, or its value is more than $200.

UNAUTHORIZED USE OF A VEHICLE--This is committed by taking, operating, riding in, or using someone's car, boat, or other vehicle, without their permission. This is the legal term for "joyriding".

CRIMES WITHOUT VICTIMS

ALCOHOL--It is illegal for anyone under 21 to purchase, attempt to purchase, possess, or consume an alcoholic beverage. However, it is legal to drink alcohol in a private home with the consent of, and in the presence of, your own parents or guardian.

"...But lady, I was told three pieces of ID were enough..."

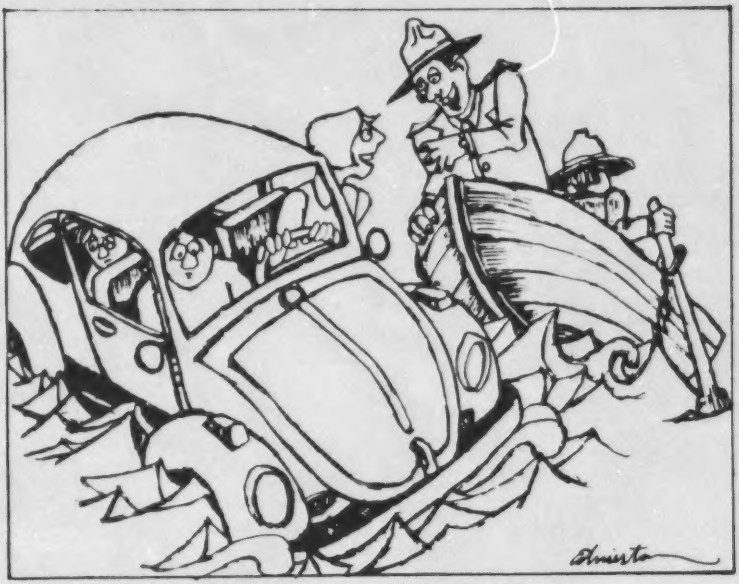
It is illegal to falsify your age to get liquor. Violation of this law is a Class A Misdemeanor.

If an adult purchases liquor for a minor and is caught, there is a mandatory $200 fine for the first offense. The second time that s/he gets caught the fine jumps to $1,000. Getting caught a third time will cost the guilty adult $1,000 and 30 days in jail.

The 1977 legislature wanted to discourage "keggers" among juveniles. They assumed that most of the kegs were being bought by adults. The new law requires that all people purchasing kegs must sign their names on a special receipt. Each keg that is bought is tagged with an identification number that matches the number on the receipt. If a keg is found at a party where juveniles are drinking, the police will make a note of the number on the tag. The purchaser whose name is on the receipt with the same number will be charged with the offenses mentioned in the previous paragraph. The stiff penalties are designed to discourage adults from buying alcohol for minors.

ALCOHOL AND AUTOMOBILES--Mixing drinking with driving is very dangerous, and it is illegal in several ways. It is illegal to have an open container of liquor in a car unless the bottle is kept in the trunk or out of reach from the driver or passengers. This applies to containers whose seals have been broken, even if they are closed up again.

It is also illegal to drive while under the influence of alcohol. The crime is referred to as DUII. The letters stand for Driving Under the Influence of Intoxicating Liquor or Drugs.



"Ahoy young lady, 'mind taking a breathalyzer test?"

DUII is not really a victimless crime. Alcohol is involved in a large percentage of accidents in which people are injured or killed. If you've been drinking, do not drive! Ask a sober friend to drive, take public transportation, call someone to pick you up, or walk to wherever you are going.

If you are stopped by a police officer who reasonably suspects that you are driving under the influence, you may be asked to take a chemical analysis of your breath at the police station. If you refuse to take the test, you will face a 120-day suspension of your license. If you take the test and have more than .10 percent alcohol in your blood, you will be charged with DUII.

DRUGS--Almost all activities involving narcotic or dangerous drugs are serious criminal offenses. This includes selling, possessing, manufacturing, growing,

using, being under the influence, and so on. It is legal for you to have and use a drug given or prescribed by a doctor, dentist, nurse practitioner or physician assistant, but only if you are the person for whom the drug was prescribed.

The most serious drug law is aimed at the distributor. A person over 18 who gives or sells a drug to a juvenile who is more than three years younger commits a class A felony and could be imprisoned for 20 years and fined up to $100,000.

Even if you don't use drugs yourself, it may be a crime to remain in a place where you knowingly permit others to sell, keep or use drugs. Even if you are not charged with this crime, you could be charged with a status offense. See page

Possession of less than one ounce of marijuana is punishable by a fine of not more than $100 for the first offense, in adult court. Possession of more than one ounce is punishable by up to one year in jail and a fine of up to $2,500. These penalties do not directly apply to juveniles unless they are over 16 and have been remanded to adult court. However, even possession of less than one ounce of marijuana could be enough for the juvenile court to get jurisdiction over you.

Growing marijuana plants is still a serious crime. Possession of one small growing plant is enough to be guilty of this crime. It is a class B felony and punishable by up to $100,000 in fines and 10 years in prison, in adult court.

HARBORING--Harboring a runaway child may be illegal depending on where you are. In the City of Portland it is illegal to provide a place to stay for a child who has run away from home, without first contacting the police. As a practical matter, you would not be prosecuted unless a parent or guardian pressed charges. Even then, it would have to be proven that you knew or should have known that the child

"Hey Sport! Your tea bag and MY hot water I call loitering."

was a runaway.

LOITERING--Loitering is being in a public place without a legitimate reason. The Oregon courts have declared most of the loitering laws to be unconstitutional. The courts feel that the law is too broad and too vague. Schools often use the trespass laws instead of the loitering law to prevent people from hanging around the school grounds.

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"Us little trolls were hired to watch for under-age buyers."

MISREPRESENTATION OF AGE BY A MINOR--This crime is committed whenever you lie about your age or marital status in order to get something that would otherwise be denied.

PROSTITUTION--Prostitution is offering, agreeing, or engaging in sexual conduct for a fee. It applies to both the buyer and the seller. The offering or agreeing is enough to be the crime, even if no sexual act takes place. Promoting prostitution, or "pimping" is also illegal.

TOBACCO--The possession or smoking of tobacco by a minor is not against the law. However, it is illegal to sell tobacco to anyone under 18. Schools may outlaw smoking on school grounds; also, many public places are now restricting smoking.

WEAPONS--It is illegal to carry a concealed weapon. (Knives less than 3 inches long are excluded.) Intent is not a factor. In order to legally carry a concealed firearm (gun), you must have a license. As a practical matter, it is highly unlikely that a juvenile would ever be able to get such a license. Also, an adult is forbidden by law to sell or give a concealable firearm to a person under 18.

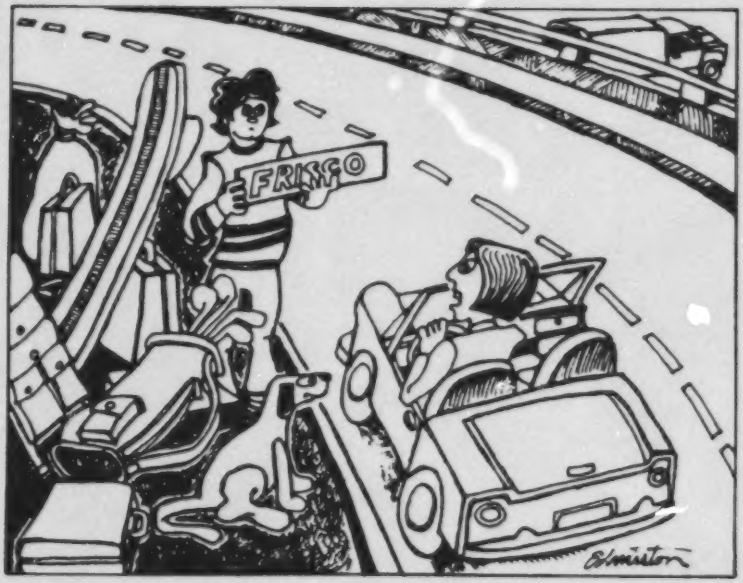
A minor may possess any kind of firearm at home. S/He cannot, however, carry it outside of the house without a proper license. In the case of hunting rifles, a special safety certificate is required before you can carry the rifle. This certificate is available from the Oregon State Department of Fish and Wildlife.

SAFETY LAWS

HITCHHIKING--It is against the law to stand on a roadway to hitch. Sometimes the police will not bother you if you are on a paved portion of the road as long as it is clearly a safe spot, or if you are off the road or highway.

The other thing to consider when hitchhiking is that you don't know who is going to pick you up. Some rides could turn out to be very unpleasant and dangerous. If you do hitch, it is much safer NOT to do it alone.

Laws on hitchhiking are different in other states. Some, like California and Washington, prohibit it or have some strict rules about where you can stand, so know what the law is before you hitch.



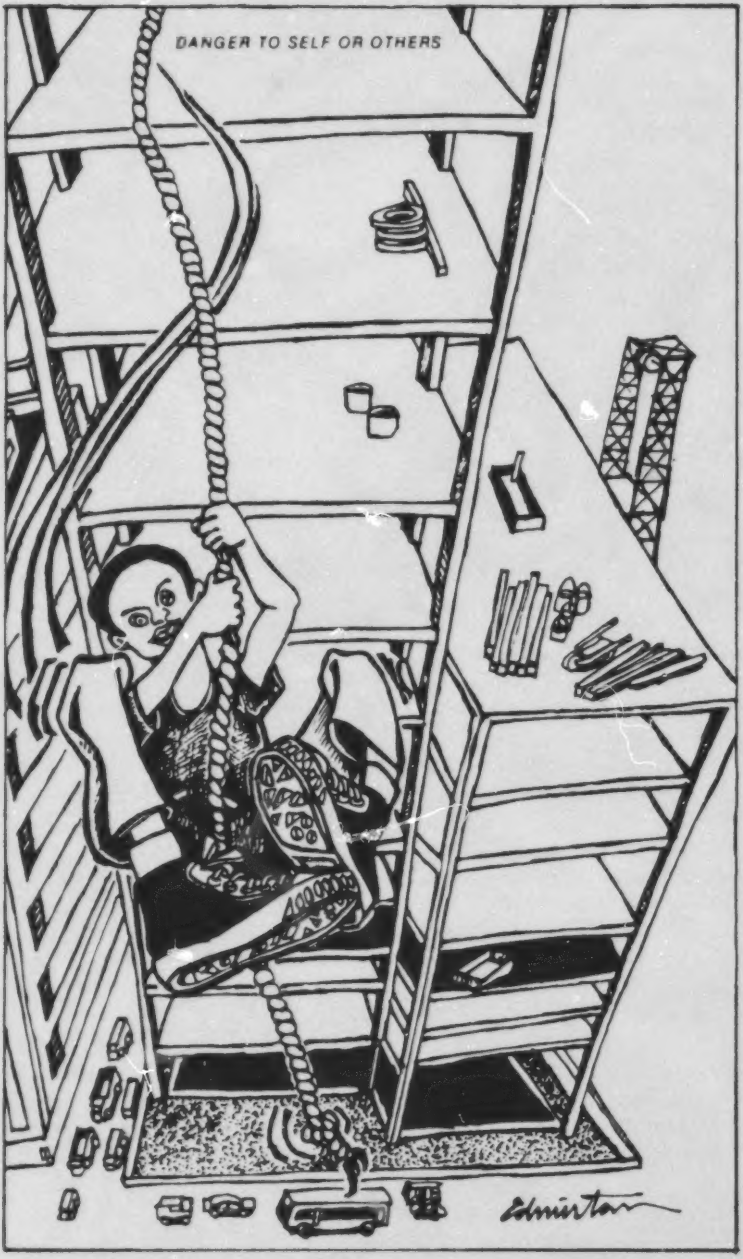
"If we really pack the car, we can do it in three trips."

BICYCLES--If you ride a bike on the street, you must obey all the same traffic laws as other vehicles, including stopping at stop signs and signalling turns. At night, you have to have a headlight visible from 500 feet and a red reflector visible 600 feet to the rear.

State law also requires that you use a bicycle lane or path if there is one, and ride near to the right side of the road if there is not a special lane. Where there are parked cars on the right side of the road, make sure to ride out of the reach of opening car doors.

Never ride your bicycle on the wrong side of the road, against the flow of traffic. Most serious accidents between bicycles and cars happen when the bicyclist is riding the wrong way.

Your city or town may require you to register your


DANGER TO SELF OR OTHERS

bicycle. Portland has such a law. You can register your bike at any police or fire station. There is no charge. This makes it easier to recover lost or stolen bicycles.

STATUS OFFENSES

A status offense is an act or condition which would not be illegal for an adult, but is an offense when a minor does it or has it. Being found to have committed a status offense will bring the juvenile within the jurisdiction of the juvenile court.

There are three categories of status offenses:

1. Being beyond the control of your parents or guardians;

2. Behavior, conditions, or circumstances which endanger your welfare or the welfare of others; and

3. Running away from home.

The first two are very general. If you violate curfew or are truant from school, you could be within those categories.

BEYOND CONTROL--Failure to mind parents, repeatedly running away from home, curfew violations, or poor school attendance are generally the reasons juveniles are said to be "beyond control" of their parents and/or guardians. Aggressive outbursts, use of profane and obscene language, and a poor outward attitude are often considered evidence of being "beyond control".

It is usually your parent or guardian who makes this kind of charge against you. Teachers, relatives, or other interested people can also file such a petition.

BEHAVIOR, CONDITIONS, OR CIRCUMSTANCES (BCC)--Most of the things which could support a finding that you are beyond the control of your parents could support a BBC petition. Whether the court uses one category instead of the other probably depends on the custom in your county as much as the facts in your case. This category also includes situations that are considered dangerous for a child such as not having a place to live, not being cared for properly, being exposed to drug abuse and alcoholism or having problems that require professional help.

RUNNING AWAY--You are a runaway if you leave your family home, group home, or any legal guardian without the knowledge, permission, or consent of your parent or guardian. When you are taken into custody by the police as a runaway, the police officer could take you home, to the police station, or to the juvenile court. If it's the first time, you will usually be released back to your home. If you have run before, it is treated more seriously; you may be taken to court and held in detention or placed in shelter care.

CURFEW--Oregon law provides that "no minor shall be in or upon any street, highway, park, alley, or other public place between midnight and 4 a.m." unless:

1. Accompanied by a parent, guardian, or other person over 18 who has the parents' permission to have care and custody of the minor; or

2. The minor is engaged in a lawful pursuit or activity which requires his/her presence in public places during the curfew hours; or

3. The minor is legally emancipated.

A job or school-related activity would be an example of such a lawful pursuit or activity.

Generally, the state curfew law is rarely enforced. Your local city or town may have additional laws or curfew hours. In Portland, the curfew is quite a bit more strict:

Age	Times When Curfew is in Effect	
	public school following day	NOT public school on following day
Under 14 yrs.	9:15 p.m. - 6:00 a.m.	10:15 p.m. - 6:00 a.m.
14-17 yrs. or in high school	10:15 p.m. - 6:00 a.m.	midnight - 6:00 a.m.

Call your local police station to find out about the curfew where you live.

If you are going to be out past curfew for a lawful pursuit or activity, it is best to carry some sort of written permission or work card to show why you are out. If you are legally emancipated, you should carry a copy of your emancipation order or a letter from your parents confirming your emancipation.

TRUANCY--Truancy is absence from school without permission from your school or parents. Oregon law requires everyone between the ages of 7 and 18 who has not completed the 12th grade to attend school. There are a few exceptions to this requirement.

You are not required to attend a public school on a full-time basis, if:

1. You are over 16 and are employed full-time or you work part-time and attend school part-time; or

2. You attend a private school which covers the required course of study; or

3. You are physically or mentally unable to attend school; or

4. You live far away from school and the school does not provide transportation; or

5. The school board excuses you after eighth grade for special reasons; or

6. You prove to the school board that you possess knowledge equivalent to a 12th grade education; or

7. You are over 16 and have the consent of the school and your parents or guardian.

Usually, a school will handle truancy by meeting with you and your parents. The same is true of irregular attendance, which is defined as unexcused absences from school with knowledge of your parents. In serious cases, the school may refer you to the juvenile court. The law also provides that, as a result of your continuing truancy, your parents can be punished by the court. Truancy or irregular attendance could be the basis of a "Beyond the Control" or BCC petition.

DISPOSITIONS OF STATUS OFFENDERS

With only four exceptions, status offenders are treated exactly the same way as criminal law violators (see p. 39), even though they have not committed any crimes. The exceptions are:

1. You may be held in detention or an adult jail while waiting for your court hearing only if you are charged with running away or the court makes a written finding that your behavior immediately endangers your physical welfare or the physical welfare of someone else;

2. You cannot be held for longer than 72 hours; (not counting weekends and holidays);

3. After your hearing, you may be placed in detention for up to eight days as punishment only if you have been found by the court to have committed a criminal law violation or to have violated probation that you received for a criminal law violation;

4. You cannot be committed to Hillcrest or MacLaren, the state training schools, unless the court finds that you have committed a criminal law violation.

Otherwise, a status offender can receive exactly the same dispositions as criminal law violators.

In addition to being detained after your hearing, you may be made a ward of the court and removed from your home. You may be placed in a foster home, group home or child care center, which may be locked and may also house youth who have committed crimes. Unlike criminal offenders who can't be held longer than the maximum sentence an adult could have been given, a status offender can be held until age 21.

JUVENILE COURT RECORDS AND EXPUNCTION

The court will keep a written record of your case. This record is open to inspection by you, your parents or guardian, and your attorney. It is not open to the general public, although the court is required to release your name; the reason the court has jurisdiction over you; the date, time and place of any court hearing; and the court's legal disposition of a delinquency or emancipation. However, the juvenile court judge can order the release of additional information for use in pre-sentence investigation when you have been found guilty in criminal court, or for use in another juvenile court proceeding or for an appeal from juvenile court.

Your juvenile court record is partially confidential to keep others from being prejudiced against you because of your past history. However, you cannot

be absolutely sure it will stay private, because the court may grant permission for some -- an employer, school, government agency, etc. -- to check your record. Some counties will not release any information without your approval; you might check on this when you first get to court.

The best way to make sure that your record won't haunt you in the future is to go through the process called expunction (or expungement). This process is not automatic; you must request it. Expunction means the destruction of records by the juvenile court, juvenile department, police department, or almost any other agency, (the Children's Services Division is allowed to seal their records instead of destroying them.)

You should be told about this process by the court or the juvenile department. Basically, all you do is apply to the court for an expunction order. If you meet certain conditions, the court must order your records destroyed. The essential conditions are:

1. Two years have passed since the court has ended its jurisdiction or wardship over you;

2. You have not been convicted of a felony or a serious misdemeanor in that time and

3. There are no current criminal or juvenile court proceedings against you; or

4. Expunction is in your and the public's best interest, even if the above conditions are not met.

At your request, the court must also order expunction if you are 18 and have never been found to be within the court's jurisdiction. This could happen if you were in trouble but received an informal disposition before any adjudication.

The court may order expunction, even if you don't meet any of those conditions, if it finds that to do so is in your best interests and the public interest.

Expunction can be a complicated process. The help of an attorney is often necessary. You have the right to be represented by an attorney in the expunction proceedings, and if you can't afford one, the court will appoint one for you. All of the potential hassles involved in this process will be worthwhile if you are successful in getting your record expunged.

If the court orders expunction, all the proceedings against you are treated as though they never occurred. This means that you may answer questions or talk about your past as though you never had any contact with the police, juvenile court, or other agency.

If you were remanded and convicted in adult court, you may also be able to get that adult conviction set aside and your record sealed after three years have passed. Contact the court or an attorney to find out if you are eligible.

STUDENT RIGHTS

INTRODUCTION

The laws of most states, including Oregon, require juveniles to attend school. Your rights while at school are not always clear, partly because the law on student rights has been changing rapidly, and partly because different schools have different rules.

In general, the school has the authority to make and enforce rules governing student behavior. The school's power is not absolute, however.

First, the authority of the school covers only educational and related matters. This means that school rules must have a valid educational goal.

Second, the schools' rules and actions must not violate your rights under the U.S. Constitution. Some of these rights are substantive (like free speech) while others are procedural (like the school must follow certain procedures before expelling a student). While these rights may be limited by the needs of the school program, your rights do not vanish simply because you are in school.

The following sections outline your legal rights as students as they stand today.

DEFENDING YOUR RIGHTS

The fact that you have a right does not mean that a teacher or principal will always recognize it. But if you are aware of your rights, often a reminder to the teacher or principal will be enough to protect yourself against unfair treatment or punishment.

If possible, you should oppose illegal or unfair policies and actions by working within the school system. Going to court is a last resort, because of the time, effort, and expense involved, and the uncertainty of the result. Also, while a school policy may be unfair or unwise, it may be legal. In that situation, you have no choice but to work within the system.

RIGHT TO AN EDUCATION

Schools are for your use and benefit. Oregon law not only requires you to attend, but it also requires the state to provide you with an education.

The right to an education means that you cannot be denied an education or an opportunity to learn the school work because of something that is not within your control. A student who does not understand English must receive special instruction and/or bi-lingual classes. A student who has a mental or physical handicap has a right to special classes which will compensate for the handicap. However, all special programs must be as much as possible like the regular school program so that all students receive a good education.

If you have been taken out of a regular school or class for mental health or physical health reasons and placed in a special program, you have the right to a review of your placement at least once a year. You have a right to a hearing if you think you should be in a different school or class.

Some schools assign students to classes according to "tracks" or "ability groups". If you think you have been put in the wrong track, you may challenge the decision. For instance, if you were put in a vocational track but you want to take college preparatory classes, you can bring that up with your school counselor and principal. You should have a right to a hearing if necessary.

Your right to an education should mean that you have a right to an effective and meaningful learning program. Clearly, this is a hard thing to measure. Students have a right to state their opinions about the school program that they have to participate in. If you have suggestions or criticism about your school, you should explain them to your teacher, principal, or school board.

Your right to a high school education does not end when you reach 18. If you have not yet finished high school, your right to attend continues until you are 21.

CONSTITUTIONAL RIGHTS

Aside from your right to "due process", the U.S. Constitution gives you other rights. Many of these other rights cannot be taken away from you even if the school provides some type of fair procedure because they are basic freedoms. Other times your rights may be limited if they conflict with the rights of another student or the school.

FIRST AMENDMENT RIGHTS: FREE EXPRESSION

The First Amendment to the U.S. Constitution protects freedom of speech, press, religion, and peaceable assembly. It covers the right to demonstrate, pass out leaflets, and state your opinions.

Of course, no right is absolute. You can't legally yell "Fire" in a crowded movie theater and you can't use freedom of religion as an excuse for theft, murder, or any other crime.

Courts have had a difficult time balancing students' constitutional rights against the school's need for order and control.

The best guidelines on students, schools, and First Amendment rights are found in a 1968 U.S. Supreme Court opinion called the *Tinker* case. Three students decided to wear black armbands as a way of protesting our nation's involvement in the Vietnam War. The school learned of their plans and passed a rule that any student who refused to remove his armband would be suspended from school. The students wore their armbands anyway, and they were suspended. They took their case to court and eventually reached the Supreme Court.

"This school tolerates all beliefs — What ARE your beliefs?"

The court noted that the students had not disrupted school activities or interfered with the educational program of the school. It decided that in that situation the school did not have the right to punish students for expressing their beliefs.

A student has the right to express his opinions in school if he does so "without materially and substantially intefering with appropriate discipline in the operation of the school and without colliding with the rights of others." This statement from the court's opinion gives a fairly simple test for de-

ciding questions about First Amendment rights in school. For convenience, it is often called the "substantial disruption" test.

The problem is that it is often hard to agree on what a substantial disruption is. The fact that other students cause trouble because they disagree with you is not a reason for a school to deny your right to free expression. Nor is it enough that the principal has some vague fear that your opinions will cause trouble.

However, if the school can point to specific reasons for their fear that your actions will cause disruption it is justified in asking you to express your opinions in some other way. For instance, courts have usually agreed with school officials that demonstrations cause enough disruption to be prohibited -- if only because the demonstrators are supposed to be in class or at some other supervised activity.

On the other hand, students cannot be required to say the pledge of allegiance or stand for the national anthem. There is nothing disruptive about sitting still.

Furthermore, students have the right to pass out leaflets, newspapers, or other statements of opinion in school, as long as it doesn't cause a "substantial disruption". If the school wants to stop you from expressing your beliefs, it is up to them to provide a good reason -- one that is strong enough to outweigh your constitutional rights.

Generally, the school can put limits on the time, place, and manner of your expression, but it can't stop you from expressing your ideas altogether. For instance, if you want to pass out leaflets in school, you may be required to do something to reduce the litter, or the disruption, but you can't be required to change what the leaflet says unless its content is declared to be obscene.

Oregon has an obscenity law, so if the leaflet contains something that is defined by law as obscene, you can be required to stop distributing it. Something is obscene if it:

1. Shows, in any offensive way, sado-masochistic behavior; or

2. If an average person, applying today's standards, would feel as if the material appeals to people's improper sexual interests; or

3. If taken as a whole, the material lacks serious literary, artistic, political, or scientific value.

These standards are very hard to apply. Questions such as "what is an offensive way?", "who is an average person?", "what are today's standards?", and "what is serious artistic value?" are very difficult to answer.

Personal appearance may be another way to express your beliefs. The school should not care how a student looks unless the student's appearance is so unusual that it affects the educational program or the operation of the school. Dress codes which merely reflect the tastes of the principal, or even of the student body, are not reasonable unless the prohibited appearance would clearly cause a substantial disruption.

Regulations which are made for reasons of health and safety are clearly reasonable. A ban on shoes with cleats would be a reasonable way to protect the school's floors. A coach's requirement that athletes have short hair is also legal.

FOURTEENTH AMENDMENT RIGHTS: NO DISCRIMINATION

Discrimination means being treated differently from other people in the same situation without a good reason.

An obvious example is racial discrimination, which is absolutely illegal. There is no reason to treat people differently because of their race, religion, sex, or national origin.

It is also illegal to discriminate against a person on the basis of mental or physical handicap. But, in this case, discrimination might mean treating handicapped persons exactly the same as others, if the result is to deprive them of the same opportunities received by others. For example, a person in a wheelchair does not have access to any classroom that can only be reached by a flight of stairs. The student in a wheelchair has been denied access to that class because of a handicap.

This is why Oregon law defined discrimination as: "...any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, handicap, national origin, race, marital status, religion, or sex."

There are many arguments about race discrimination. It is discrimination to set up school districts to keep people of a minority race in the same school. But it also might be discrimination to simply stick a few minority students in an otherwise all-white school. This isolation could deprive those minority students of the emotional peer support that most white students have.

It might be discrimination if a school refuses to educate a student who is handicapped. For example, a school cannot usually refuse admission to a student just because s/he is deaf. And it might also be discrimination if the school refuses to hire an interpreter -- a person who can hear and translate

into sign language -- for deaf students.

Mental handicaps are more complicated. Schools will always fail students who simply don't learn -- the whole idea of education is to teach you to think. But some handicaps might make a person look like an academic failure when imaginative teaching would solve the problem. For example, a person with cerebral palsy might not be able to write. But, if teachers would accept tape recorded "term papers", the student might do all right.

While sex discrimination is against the law, the problem comes in deciding when there is good reason to treat males and females differently. It is legal and sensible to have separate rest rooms, locker rooms, and so on. Yet it is illegal to exclude boys from home economics classes or girls from shop or auto mechanics classes.

Physical Education classes must be coeducational except where contact sports (football, basketball, wrestling, etc.) are involved. Athletic teams must be coeducational unless the team plays a contact sport or where selection of team members is based on competitive skills (try-outs). In these cases, separate teams are still allowed. The exact same funding is not required, but teams for both sexes must be given necessary financial support. In general, both sexes should have equal opportunity to participate in athletics.

Some of the new laws may not yet be in effect in your school, since schools are given some time to readjust their schedules. Also, the law is not always clear and there is reasonable disagreement about the definition of "discrimination".

What can be done to stop discrimination? Ask your school principal to check the latest guidelines from the federal government and to contact the school's attorney. If you don't like the result,

you can still talk to other students and try to get the school to change its policy. If informal action doesn't work, call a group like the American Civil Liberties Union who can refer you for help or file a complaint with the school board.

FOURTH AMENDMENT: SEARCH AND SEIZURE

The law about searches of students and their lockers is unclear. There are two different standards that may be used by school staff in deciding whether to search, "probable cause" and "reasonable suspicion". If your school recognizes that students have full Fourth Amendment rights, then the search by school staff must be prompted by probable cause that the student is violating a school rule and the school staff must obtain a warrant to search unless there is an emergency.

This standard may vary with the situation. If the intrusion of the search is great, like a strip search, and the threat of disruption to school is small, like possession of cigarettes, then the school official would need to have more than a reasonable suspicion before s/he could search you. If the threat is great, like a rumor about a bomb in your locker, then something a little less than a reasonable suspicion would justify a search of your locker.

If the school starts to participate in law enforcement activities, like searching someone suspected of shoplifting for the stolen item, then the school must behave in the same manner as the police do. They must have probable cause to believe that the student has committed a crime or possesses something illegal.

A warrant is usually not required. The lawful search of your locker requires less cause than a search of your body. Don't assume that your locker is private just because there is a lock on it. Your school should have specific written rules about locker searches. Ask to see it.

You never have to answer any questions from the principal or the police. Unless you are sure that a simple statement of the truth will clear you, it may be best to say nothing at all.

A school official can, however, punish you for your silence. The courts see the schools as substitute parents, so this is allowed. This rule only applies when the subject matter of the questions is not part of a criminal investigation.

ATTENDANCE

Generally, the law requires students between the ages of 7 and 18 years to attend school. However, students between 16 and 18 or those who have completed the 8th grade, can often be excused from school attendance. Students who are married, pregnant or have children usually are not forced to attend school. Most schools will allow such students to drop out either permanently or temporarily. An alternative plan for educating students with family responsibilities can usually be arranged with the school. See page 63 (Truancy).

SUSPENSION OR EXPULSION

Your right to an education can be taken away from you temporarily if you violate school rules. Suspension is a temporary removal from school, usually for five school days or less. Expulsion cannot last longer than the end of a term or semester, unless it is already so near the end of the term that the expulsion would be too short. Then the expulsion may continue for the next term, but no longer.

State law provides that any of the following acts are grounds for suspension or expulsion:

1. Willful disobedience

2. Open defiance of a teacher's authority

3. Use of profane or obscene language

4. Willful damage to school property

5. Injuring or threatening to injure a fellow pupil or faculty member

Your school may list additional reasons for suspension or expulsion such as theft, possession of dangerous instruments, drugs, alcohol, or tobacco.

"Sure was a unique idea, Arthur — It was also the WRONG idea, Arthur — I have to suspend you, Arthur."

The 14th Amendment to the U.S. Constitution guarantees your right to "due process" whenever the school attempts to take away your right to an education. This means that the school must follow procedures which protect you against unfair treatment. What is considered fair will depend upon the seriousness of the charges against you and what action the school intends to take.

For suspension, the law requires only that you be told of the charges against you and be given a chance to tell your side of the story. This must be done before you are suspended unless there is a serious risk that great harm will occur if you are not suspended immediately. Then you may be suspended first and given a chance to explain your actions soon after.

For an expulsion, the law requires that you be given a full hearing prior to the expulsion. This includes the following rights:

1. To be told of the charges against you and the specific facts that the charges are based on,

2. To be present at the hearing and hear the evidence presented by the school,

3. To bring an attorney or other representative to the hearing,

4. To have witnesses who testify against you questioned,

5. To present witnesses in your favor,

6. To receive a written decision.

The hearing will be private unless you or your parent or guardian request a public hearing.

In almost all cases, a student will be suspended while the school decides whether to expel and until

the expulsion hearing is held. However, the suspension should not last longer than five school days unless there are special circumstances.

If you or your family has an attorney it is a good idea to bring him/her to your suspension or expulsion hearing. This will ensure fair treatment to you during the hearing.

OTHER PUNISHMENT

Corporal (bodily) punishment is legal if it is not excessive and is only used according to the rules and procedures of your school. Punishment which inflicts a lasting injury is clearly illegal and you can sue the teacher or principal for damages.

Some schools try other methods of punishment which are generally legal as long as they don't deny you your right to an education or take away your other rights without "due process". Each school district has its own rules about punishment; some are stricter than others. You can find out about the rules in your district by contacting the principal of your school. The school must make a copy of the district's rules of pupil conduct and discipline available to you.

STUDENT RECORDS

The law divides student records into two groups:

1. Behavioral records, which include psychological tests, personality evaluations, and any written discussions of incidents of students misbehavior or misconduct, and

2. Progress records, which include lists of grades and courses taken, attendance records, scores on achievement and ability tests, and health records.

Your school records can be important to your future because they often follow you. They are supposed to

be confidential; they should not be released without written consent from your parents, (or you, if you are over 18). However, when you apply for a job, military service, or college, your school records are often requested as part of the application process. Because they summarize an important part of your life, it's a good idea to check your records.

Until you turn 18, you do not have a legal right to look at your records. On the other hand, the law does not require that records be kept from students. Some school districts may allow you to see them even if you are under 18. Check your school's policy on this.

Before you turn 18, your parent or guardian has a right to see your records. You can find out what's in them by getting your parent to check.

Behavioral records can only be released in the presence of a person who is qualified to explain them. Furthermore, some schools destroy behavioral records after your graduation.

Once you know what is in your records, you can make a decision on whether you want to allow the school to release them. If you don't want them released, simply make sure you(or your parent)don't give permission. Or, if you want to be sure, have your parent write to the principal of the school.

If you find something in your records that is incorrect, misleading, or irrelevant, you can challenge it. The exact procedure will be different in different schools. However, you should be allowed to have a hearing before an impartial person and ask to have the record changed. Even if the school decides not to change your record, you or your parent have the right to put an explanation or a statement of why you disagree, into your record.

When a teacher or other school official writes a job or college recommendation for you, that becomes part of your official record. You should be able to find out what it says just like any other part of your record. However, many schools don't recognize this right yet.

Grades are an essential part of your school record. They are supposed to reflect only academic achievements. If you think a teacher has improperly graded you by using other factors such as absence, tardiness, or behavior, you have a right to challenge that just like any other part of your record.

SCHOOL RULES

Each school district must prepare written rules of student conduct that includes all of the topics discussed above in this handbook. While individual schools may also have rules, they will often be less complete than the district's rules.

You have a right to a copy of the school district rules, which you should get and read so you will know what the school district expects of you and what procedures they have set up to handle problems. Many school districts have complaint procedures which you can use if you want to work within the school system to challenge unfair policies. You can start these procedures on your own if you have complaints. Use your rights to make certain that you get an education that will meet your needs.

GLOSSARY
APPENDIX

G L O S S A R Y

Adjudicate: in juvenile court, to determine the truthfulness of the charges contained in a petition.

Allege: to declare to be true; to accuse of a crime.

Amend: to change an existing law.

Attorney: a lawyer licensed by the Oregon State Bar.

Bail: money exchanged for the release of a person from jail which is paid back when the person shows up for trial.

Beyond a Reasonable Doubt: in order to find a person guilty of a delinquent act, the state (D.A.) must show evidence that makes a judge or jury almost absolutely certain that the person did that of which the person is accused. Believing that it is merely more likely than not that the person is guilty is not enough.

Charge: a formal statement accusing a person of committing a specific offense.

Confidential Information: the law allows private personal communication with certain types of people (such as doctors, attorneys or ministers) to be kept secret.

Consent: voluntary agreement.

Conviction: the finding by a judge or jury that an adult is guilty of a crime.

Correctional:	associated with a process that provides punishment, supervision, and/or rehabilitation to convicted offenders.
Counselor:	someone who advises or guides.
Crime:	an act which is against the law, and for which imprisonment can be imposed upon conviction.
CSD:	Children's Services Division, a state child-caring agency
Cross-examination:	your questioning of witnesses who testify against you.
Custody:	(a) the right or duty of caring for or guarding a juvenile; (b) the state of being detained or held under guard, most often by the police.
Damages:	in addition to its ordinary meaning, money to be paid to make up for an injury or loss.
Delinquency:	conduct by a juvenile which violates a criminal law.
Dependency:	a situation where the juvenile court has assumed jurisdiction because the parent or guardian has failed to provide proper care.
Detention:	a situation in which a person is kept in custody while awaiting a hearing or release.
Direct-examination	your questioning of witnesses who testify in your favor.
Disposition:	a decision made by the juvenile court which directs a course of action for someone; a sentence from the juvenile court.

Diversion:	the directing of a case away from the juvenile court to a non-judicial community resource, such as a counseling program.
Drug (Illegal):	a chemical substance which is obtained by the possessor without a valid prescription.
Due process of law:	procedures that the state (judge, D.A., school) must follow when it decides to punish you or take something away from you.
Emancipation:	a process, spelled out by state law, by which a juvenile can obtain most of the rights and responsibilities of an adult.
Evidence:	any statements or objects used in a court to help decide the truth of a matter.
Expelled:	dismissed from school by an official of the school, usually for the remainder of the year or the semester.
Expunge:	to erase a juvenile court record.
Felony:	a criminal offense for which a person may be incarcerated for a year or more and/or fined up to $100,000.
Forcible Compulsion:	physical force that overcomes the victim's resistance or a threat of immediate or future serious injury, death, or kidnapping.
Habeas Corpus:	a legal procedure by which a prisoner is brought before a court to determine the legality of his/her detention.

Hearing:	a session in which a judge, referee, government official, or school official listens to testimony, arguments, and evidence.
Inalienable right:	a right which cannot be taken away.
Incarcerate:	to place in secure custody, like a prison, jail, or training school.
Indigent:	a poor person.
Judicial:	related to a court of justice, any proceeding in that court, or to a judge.
Jurisdiction:	the range of authority of a particular court.
Juvenile:	a person under the age of 18.
Minor:	an unmarried juvenile, generally used interchangeably with juvenile.
Misdemeanor:	an offense for which the maximum imprisonment is one year and the maximum fine is $2,500; a less serious offense than a felony.
Narcotic:	a drug subject to the same restrictions by law that physically addicting drugs such as opium, heroin, etc., are subjected to.
Oath:	a promise to tell the truth in court. Telling a lie in court is a crime called perjury.
ORS:	Oregon Revised Statutes--the laws of the State of Oregon, which are available at all public libraries.

Offense:	an act or conduct committed or engaged in that is in violation of the law.
Ordinance:	a law of a city or a county.
Parole:	the release of an offender from a jail or prison before his/her sentence is up, on the condition that s/he keep up good behavior.
Party:	in addition to its ordinary meaning, any person taking part in a particular proceeding or process.
Petition:	a document filed in juvenile court asking that the court assume jurisdiction over a juvenile because s/he is delinquent, a status offender, or a dependent child.
Possession:	having, holding, or owning.
Probable cause:	the standard used by police and judges in determining the legality of an arrest or search; it means: good reason to believe that a crime has been committed and that the person who was arrested or searched probably was the one who committed it. In the law, probable cause is defined as a substantial objective basis for believing that it is more likely than not that something is true.
Proceedings:	formal meetings or activities of an established organization, such as a court, school, or government agency.
Prosecution:	the conducting of legal action by an attorney on behalf of the State against someone.

Public assistance:	aid, usually money, given to poor people by the government
Reasonable suspicion:	less sure than probable cause but more than just a guess or hunch.
Referee:	a person designated by a juvenile court judge to carry out a judicial function, such as conducting a hearing.
Rehabilitation:	the process of helping an individual to become an acceptable and productive member of the community, after they have displayed anti-social behavior.
Remand:	to transfer a juvenile case to adult court.
Repeal:	to do away with an existing law.
Restitution:	the act of paying someone back for a loss or injury, usually by paying money or working the debt off.
Rights:	moral or legal claims; for example: The U.S. Constitution guarantees that all people in the U.S. may speak freely, thus you have a right to free speech.
Sexual intercourse:	has its ordinary meaning and occurs upon any penetration of the penis into the vagina, however slight; ejaculation is not required.
Shelter care:	a home or community facility which provides care for young people for short periods of time.

Status offense:	an act or conduct which is only an offense when done by a juvenile, examples: running away and curfew violations.
Subpoena:	a written order requiring a person to appear in court to testify under oath.
Sue:	to bring legal action against somebody.
Suit:	a legal action
Suspend (from school):	to temporarily expel from school for up to five school days.
Testify:	to make a statement under oath in a court of law.
Truant:	absent from school without excuse.
Violation:	an offense punishable only by a fine of up to $250.
Waive:	to give up or forego a right by free choice.
Weapon:	any object capable of causing injury to a person.
Witness:	someone who has seen or heard something; someone who testifies.

DECIDING ABOUT A LAWYER

Do You Need A Lawyer?

There are basically two categories of law which directly involve the average citizen: civil and criminal.

Civil law involves agreements or disagreements between people such as contracts, adoption, divorce, establishing business, serious accidents, suing someone (bringing a civil suit), or violation of civil rights (such as discrimination).

Criminal law involves those activities which are a threat or cause damage to society, to the government, to a person or to property. Crimes include treason, theft, murder, assault, vandalism, and arson. This book talks about what happens when a juvenile is charged with a crime.

You nearly always need a lawyer if you are accused of committing a crime. Even if you did not do what you are accused of doing, you may need a lawyer. Attorneys are trained in the law and are expected to do everything they can (within their professional code) to assist their client.

If you are unsure about what is happening to you in the legal system, ask for a lawyer.

Civil issues are not as clear-cut. Small claims court action can be brought against one citizen by another and usually does not involve attorneys. In some states, do-it-yourself divorces are available. However, when child custody, complex financial arrangements or serious disagreements are involved, each party should have an attorney.

Generally speaking, when you enter into a major contract such as buying or selling a home, you will want the advice of an attorney. Giving advice before a problem develops is one of the most helpful things

an attorney can do for many people. In fact, giving advice, writing legal opinions and solving problems out of court takes far more of attorneys' time than does going to court.

If you have reason to believe someone is taking unfair advantage of you or if you are in a highly emotionally charged legal situation (like a serious accident or divorce), you probably could benefit from the assistance of an attorney.

If You Need a Lawyer, How Do You Find One?

You can find an attorney the same way you find a physician. Ask your friends who have had a similar problem if they were satisfied with the results they got from their attorney.

In Oregon, there is a Lawyer Referral Service. That is a little less personal than asking someone you know, but you can be assured of finding a lawyer who works in the area of law which concerns you. The Lawyer Referral Service and other free or inexpensive legal services are listed in the legal services section of this book.

The telephone book lists nearly all the local attorneys in private practice, but does not always indicate the area of law which the lawyer practices.

How Can You Tell If You've Got the Right Attorney?

There are some things you will want to know from and about the attorney before he or she starts to work on your problem. If the answers seem to fit, you probably have a lawyer who can be of help to you.

1. What is the fee? Will you be billed by the hour or a flat fee for the service rendered? Do you have to pay a down payment (retainer)? If the case goes to court and the attorney does not win your case, do you still have to pay?

2. Has the lawyer handled similar cases? If yes, ask for information about the results.

3. Will you automatically receive copies of any letters or papers the attorney prepares for you?

4. Will the lawyer treat you respectfully, keep you informed of what is going on in your case and talk to you in a way you can understand?

5. Will the lawyer really pay attention to you? Will the attorney do your work or will an assistant be asked to do it?

6. Do you feel comfortable enough to talk frankly to the attorney about your problem?

If you don't like the answers you get, keep looking. Even after work has begun for you, you do not have to keep the same lawyer, if you are not satisfied. If yours is a court-appointed attorney, you may have to explain your dissatisfaction to the judge. Serious complaints about a specific attorney should be directed to the local bar association.

Remember, if the attorney is to be helpful to you, you must also be cooperative in providing relevant information. If you don't understand some aspect of the process, ask. The lawyer is working for you.

HOW TO USE THE CRIMES AND PUNISHMENTS CHARTS

These charts are designed to help you find out what the maximum sentences are for certain adult crimes. Remember that if the juvenile court finds that you are delinquent because you have committed an act, which if done by an adult would be a crime, then your maximum possible "sentence" is the same as either the maximum sentence for adults, five years if you have been placed on probation or the amount of time left until you are 21, whichever is smaller. If you are remanded to an adult court you are subject to these "sentences", without any age 21 limit. Remand means you will be treated as an adult.

To find out the maximum sentence for a crime, first look up that crime in Chart A. Then under the "classification" listing, see what corresponds to the crime you are looking up. For example, 2nd Degree Burglary is a Class C Felony.

Next, look at chart C. See what sentence corresponds to the class of the crime you are looking up. For example, 2nd Degree Burglary, a Class C Felony, has a maximum jail term of five years and a maximum fine of $100,000.

Chart B., dealing with crimes in preparation (p.100), works in the same way. For example, an attempted 2nd Degree Burglary, a Class C Felony, is itself a Class A Misdemeanor. Then look up Class A Misdemeanor in chart C to find out the maximum sentence for the attempted burglary. Chart C shows that the maximum sentence for a Class A Misdemeanor is a $2,500 fine and one year in prison.

These charts do not apply to status offenses.

CHART A
COMMON ADULT CRIMES

Crime		Classification
Arson	2nd Degree	Class C Felony
	1st Degree	Class A Felony
Assault	4th Degree	Class A Misdemeanor
	3rd Degree	Class C Felony
	2nd Degree	Class B Felony
	1st Degree	Class A Felony
Assaulting a police officer	mandatory 7 days in jail	
Burglary	2nd Degree	Class C Felony
	1st Degree	Class A Felony
Contributing to the Sexual Delinquency of a Minor		Class A Misdemeanor
Criminal Homicide	Differing sentences possible by law	
Criminal Mischief	3rd Degree	Class C Misdemeanor
	2nd Degree	Class A Misdemeanor
	1st Degree	Class C Felony
Criminal Non-support		Class C Felony
Disseminating Obscene Materials		Class A Misdemeanor
Extortion, (Theft by)		Class B Felony
Harrassment		Class B Misdemeanor
Loitering		Class C Misdemeanor
Menacing		Class A Misdemeanor
Misrepresentation of Age by a Minor		Class C Misdemeanor
Promoting Prostitution		Class C Felony

CHART A CONTINUED
COMMON ADULT CRIMES

Crime		Classification
Prostitution		Class A Misdemeanor
Public Indecency		Class A Misdemeanor
Rape	3rd Degree	Class C Felony
	2nd Degree	Class B Felony
	1st Degree	Class A Felony
Resisting Arrest		Class A Misdemeanor
Robbery	3rd Degree	Class C Felony
	2nd Degree	Class B Felony
	1st Degree	Class A Felony
Sexual Abuse	2nd Degree	Class A Misdemeanor
	1st Degree	Class C Felony
Sexual Misconduct		Class C Misdemeanor
Sodomy	3rd Degree	Class C Felony
	2nd Degree	Class B Felony
	1st Degree	Class A Felony
Theft	2nd Degree	Class A Misdemeanor
	1st Degree	Class C Felony
Trespass	2nd Degree	Class C Misdemeanor
	1st Degree	Class A Misdemeanor
Unauthorized Use of a Vehicle		Class C Felony

CHART B
CRIMES IN PREPARATION CHARTS
Attempts

Classification of Crime Attempted	Classification of the Attempt
Murder/Treason	Class A Felony
Class A Felony	Class B Felony
Class B Felony	Class C Felony
Class C Felony	Class A Misdemeanor
Class A Misdemeanor	Class B Misdemeanor
Class B Misdemeanor	Class C Misdemeanor
Class C Misdemeanor	Violation

Conspiracies

Classification of Conspired Crime	Classification of the Conspiracy
Murder/Treason	Class A Felony
Class A Felony	Class B Felony
Class B Felony	Class B Felony
Class C Felony	Class C Felony
Class A Misdemeanor	Class A Misdemeanor

(There is no punishment for conspiracies to commit less crimes than Class A Misdemeanors).

Solicitations

Classification of Crime Soliciated	Classification of the Solicitation
Murder/Treason	Class A Felony
Class A Felony	Class B Felony
Class B Felony	Class C Felony
Class C Felony	Class A Misdemeanor
Class A Misdemeanor	Class B Misdemeanor

(There is no punishment for solicitations to commit lesser crimes than Class A Misdemeanors).

CHART C
ADULT PUNISHMENT CHART

Classification	Maximum Punishments	
	Fines	Jail Terms
Misdemeanors		
Class A	$2500	1 year
Class B	$1000	6 months
Class C	$500	30 days
Felonies		
Class A	up to $100,000	20 years
Class B	up to $100,000	10 years
Class C	up to $100,000	5 years
Violations (traffic, etc.)	$250	

LEGAL SERVICES IN MULTNOMAH,
WASHINGTON AND CLACKAMAS COUNTIES

This list of services was compiled with assistance from the Multnomah Bar Association Volunteer Lawyers Project through a grant from the American Bar Association. The grant was awarded through the ABA's Young Lawyer Division's National Legal Resource Center for Child Advocacy and Protection. The contents should not be construed as official policy of the American Bar Association.

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AMERICAN CIVIL LIBERTIES UNION
534 SW 3rd Avenue
Portland, Or. 97204 227-3186

Southern District Office: (503) 345-6162

Offers legal representation statewide to individuals being denied their civil liberties guaranteed by the U.S. Constitution. Lobbies for laws which expand individual liberties and against those that would restrict them. Handbook available on juvenile rights.

BUREAU OF LABOR
(State of Oregon Civil Rights Division)
1400 SW 5th, Room 409
Portland, Or. 97201

Portland:	229-5900
Apprenticeship and training:	229-6008
Wage and hour laws:	229-5750
Toll-free statewide:	1-800-452-7813

Enforces civil rights laws prohibiting discrimination because of race, religion, color, sex and age in employment, housing and public accomodations.

CHILD PROTECTIVE SERVICES
(State of Oregon Children's Services Division)
1031 East Burnside
Portland, Or. 97204

Office: 238-7581
Emergency: 238-7555

Protects children under 18 from abuse and neglect including sexual and physical abuse, emotional neglect and educational neglect. An officer will interview the caller and take him or her into protective custody if the officer feels that is appropriate. Emergency shelter homes are available. Calls are taken 24 hours a day on the emergency line.

CHILDREN'S SERVICES DIVISION
(State of Oregon Dept. of Human Resources)
1400 SW 5th
Portland, Or. 97205

State Information: 378-4121
State Operator: 229-5700

Provides casework, daycare, foster homes, protection of abused or neglected children, unmarried parents, family planning, adoption and interstate placement. For listing of locations of branch offices and phone numbers see blue pages of the phone book.

COMMUNITY LAW OFFICE
1628 SE Ankeny
Portland, Or. 97214 233-4747

A public interest law firm specializing in domestic relations and women's rights cases. Juvenile cases are accepted, and fees are assessed on a sliding scale according to ability to pay. Serves Multnomah, Clackamas and Washington counties.

JUVENILE RIGHTS PROJECT
408 SW 2nd, Room 412
Portland, Or. 97204 242-1411

Files class action suits with respect to juvenile rights in institutions throughout Oregon. Monitors legislative activity regarding juvenile rights. Usually does not handle individual cases unless outcome will affect all youth in Oregon.

LAWYER REFERRAL SERVICE
(Oregon State Bar)
1776 SW Madison
Portland, Or. 97205

Portland: 224-6580
Toll-free: 1-800-452-7636

A statewide service that refers individuals to civil and criminal defense attorneys in private practice. Callers will be asked their location and nature of the legal problem. Charge for the first half-hour will not exceed $20. PROBLEM SOLVERS: if the caller is between the ages of 11 and 17, the first half-hour will be free. Legal information and referrals to attorneys are provided by Lawyer Referral Service to Juveniles. For more information on a taped message, call 248-0705 and ask for tape 46.

LEGAL AID SERVICE, MULTNOMAH COUNTY
320 SW 4th, Room 900
Portland, Or. 97204

General:	224-4086
Family Law Center:	226-7991
Welfare Hotline:	241-4111
Consumer/landlord tenant:	224-5291

Provides low-income clients, including juveniles, with attorneys and information free of charge in civil cases in Multnomah County. Welfare hotline answers questions 9 a.m. - 12 noon and 1 p.m. - 4 p.m., Mon. - Fri. Consumer/housing hotline answers questions 1 p.m. - 4:30 p.m., Mon. - Fri.

METROPOLITAN HUMAN RELATIONS COMMISSION
1120 SW 5th, Room 502
Portland, Or. 97204 796-5136

Investigates discrimination complaints in housing and employment. Has a handicap services coordinator. (Does not serve as an enforcement agency. See Bureau of Labor.)

NATIONAL LAWYERS GUILD
P. O. Box 1308
Portland, Or. 97207

Message phone:	233-4747
(Community Law Office)	

An organization of attorneys, legal workers and law students that has represented a variety of groups and individuals on politically progressive social issues, such as assisting the Black United Front in school desegregation matter.

NORTHWEST DRAFT COUNSELING CENTER
313 East Burnside
Portland, Or. 97214 238-0605

Open daily from 9 to 5, or by appointment. Services are free, but donations are accepted. Founded in 1967, it is a private, non-profit, non-government center offering counseling for draft, recruiter fraud, discharge from the military, and AWOL. Provides legal and political support for draft resisters. Provides seminars upon request.

NORTHWESTERN LEGAL CLINIC
310 SW 4th
Portland, Or. 97204 222-6429

Law students certified to practice law under the supervision of attorneys provide legal assistance for those who cannot afford an attorney. (Accepts cases only when law school is in session.) Primary interest in consumer law problems; also handles landlord-tenant, family and juvenile matters.

OREGON DEVELOPMENTAL DISABILITIES ADVOCACY CENTER (ODDAC)
621 SW Morrison, Room 713
Portland, Or. 97205 243-2081

Toll-free: 1-800-452-1694

Private non-profit organization which provides legal and non-legal advocacy for severely handicapped children, focusing on their education rights and on their rights in institutions, foster care, group homes, and special schools.

OREGON LEGAL SERVICES CORP. (Washington County)
Hillsboro Regional Office
107 SE 2nd
Hillsboro, Or. 97501 648-7163

Provides low-income clients, including juveniles, with attorneys and information free of charge in civil cases in Washington County.

OREGON LEGAL SERVICES CORP. (Clackamas County)
Oregon City Regional Office
704 Main St.
Oregon City, Or. 97045 655-2518

Provides low-income clients, including juveniles, with attorneys and information free of charge in civil cases in Clackamas County.

PORTLAND POLICE BUREAU
Community Juvenile Officers
222 SW Pine
Portland, Or. 97204 248-5662

Program to teach students in grades 6-8 aspects of the law in 20 curriculum areas, including shoplifting, vandalism, runaways, personal safety, right and responsibilities, and drugs. Curriculum is developed in cooperation with Portland School District.

RAPE VICTIM ADVOCACY PROJECT
Multnomah County
1021 SW 4th, Room 804
Portland, Or. 97204 248-5059

RAPE VICTIM ADVOCACY PROJECT
Clackamas County
1450 Kaen Road
Oregon City, Or. 97045 655-8616

Legal advocacy for male and female victims of rape, incest or other sexual abuse who have reported to the police. A case worker helps the victim through each phase of the investigation and trial, if any. Speakers available.

ST. ANDREW LEGAL CLINIC
807 NE Alberta
Portland, Or. 97211 281-1500

A public interest law firm handling civil and criminal cases (except taxes and malpractice). Initial consultation with an attorney is $10, with followup fees being on a sliding scale according to ability to pay.

TEL-LAW TAPE LIBRARY
(Oregon State Bar)
1776 SW Madison
Portland, Or. 97205 248-0705

Statewide toll-free: 1-800-452-4776

A library of tape recordings on a wide variety of topics designed not to take the place of legal advice of an attorney, but to help the caller understand the nature of their legal problems and decide whether an attorney is needed. For a catalog, call 224-4280.

VOLUNTEER LAWYERS PROJECT
P. O. Box 40002
Portland, Or. 97240 224-1606

The Bar association provides a telephone referral service for residents of Multnomah County. The staff refers low-income clients of any age to attorneys who will handle their civil cases free of charge. Areas of law handled include: consumer, credit, labor relations, rights of the handicapped, immigration, landlord/tenant, and government benefits. Provides all callers with information regarding the availability of legal services and programs. Provides seminars, pamphlets, and free walk-in clinics.

* *

For locations and telephone numbers of the district attorneys, federal court and state courts in Multnomah, Washington and Clackamas Counties, see the blue pages of the telephone directory.

There are many other agencies who offer help to youth before there is a legal problem. Still other agencies, law firms, and attorneys are used as resources by the juvenile court in an effort to assist youth.

In Portland, the Metropolitan Youth Commission publishes a directory of resources for youth. Call 248-4005 for information.